

**ENVIRONMENT, LAND ACQUISITION AND PLANNING COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE**

MINUTES

A special meeting of the Environment, Land Acquisition and Planning Committee was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on **October 1, 2002.**

Members Present:

Legislator David Bishop - Chairman
Legislator Michael Caracciolo - Vice-Chairman
Legislator Ginny Fields
Legislator Jon Cooper
Legislator Andrew Crecca

Also In Attendance:

Paul Sabatino II - Counsel to the Legislature
Tom Isles - Director of Planning
Loretta Fisher - Real Estate Department
Nicole DeAngelo - County Executive's Office
Vito Minei - Department of Health Services
Art Williams
Hoot Sherman
Jim Doherty
Ginny Suhr
Jim Bagg
Amy Jukatz
Bill Sanok
Joyce Rodler
All other interested parties

Minutes Taken By:

Donna Catalano - Court Stenographer

1

(*THE MEETING WAS CALLED TO ORDER AT 2:30 P.M.*)

CHAIRMAN BISHOP:

Welcome to the October 1st Environment Meeting. The Pledge of Allegiance will be led today by the Clerk of the Legislature.

SALUTATION

CHAIRMAN BISHOP:

Good afternoon. We have a lengthy agenda, but before we go to the

agenda we have an important announcement. Our stenographer, the former Donna Barrett, will now be known as Donna Catalano as she has returned from her honeymoon in Hawaii. So we congratulate her.

APPLAUSE

CHAIRMAN BISHOP:

Welcome her back to what is the most difficult assignment in the Clerk's Office, the stenographer for the Environment Committee.

LEG. CRECCA:

I would like to know what color that suit is, though, is that lavender or is it, like, periwinkle?

MS. CATALANO:

Lavender.

LEG. CRECCA:

Lavender, okay.

CHAIRMAN BISHOP:

Is Mr. Parrino and Mr. {Prior}. Could he -- if you wish to speak before the committee, and you are not on the agenda as already scheduled as a presenter then you need to fill out a card, which is with the stenographer. We already have on the presentation list Amy Juckatz, The Nature Conservancy and Tom Isles. Gentlemen, please sit. You've seen C-SPAN, it's roughly the same thing. Good afternoon.

MR. {PRIOR}:

Good afternoon. My client is of Paradise Point Oyster Farms Inc., and they wish to address is Legislature with respect to item Number 43 on the -- on the agenda.

CHAIRMAN BISHOP:

What resolution number is it? We don't go by -- it's all right. It's the oyster -- it's the underwater property?

MR. {PRIOR}:

Yes.

CHAIRMAN BISHOP:

Okay. We know -- we know the resolution.

MR. {PRIOR}:

Resolution Number 2043-2002.

MR. PARRINO:

Good afternoon, ladies and gentlemen. My name is Robert Parinno, I'm

President of Paradise Point Oyster Farms, the only private oyster farm with the state of the art shellfish hatchery in the Peconic Bay System. In 1993, I purchased underwater oyster beds from the Bankruptcy Court and had a very enlightening and memorable experience working collaboratively with Suffolk County, mainly through General Raines, the then Treasurer of Suffolk County in order to bring the long outstanding back taxes current. At that time, the County was extremely receptive and supportive of the type of aquaculture that I was proposing. The Administration at that time was pleased to see those long mismanaged and fallow lands returned to active production. We support appropriate and effective management of the Peconic Estuary and hope that with the appropriate management, this area could once again become a significant shellfish producer. Suffolk County, once a shellfish giant, is now decades behind the rest of the country.

In an collaborative effort with the Peconic Land Trust and Cornell Cooperative Extension, through dedication, hard work, preservation and a desire to see a return of an ecological, historical and economic mainstay to Suffolk County, Paradise Point has build a state of the art hatchery, which has provided shellfish seed for several municipalities and private aquaculturists. Through the Peconic Land Trust, we provide tours to the public and educational groups, educating them on modern aquaculture ans its benefits. We're currently producing 20 to 30 million shellfish annually ans we plant about 15 to 20 acres of shellfish beds annually. It has taken seven years of planting clams and oysters to really see the potential of the lands that I bought.

During this period we have experienced brown tide and the most recent -- recently during the past four years, we have battled a red tide plume that has decimated almost 90% of our shellfish we planted. Recently when I became aware that certain underwater lands became available in Aquaculture Technologies Chapter 7 Case, I saw this as an opportunity to expand Paradise Point's production of shellfish, which I believe and do believe was mutually beneficial to both the County and to my company. Accordingly, I made an offer to purchase the lands which were previously owned by Aquaculture and which I have applied to redeem and was successful bidder. As I ask you to consider the following, that the auction on the sale of these properties, they were no other bidders, why were there are no other bidders? There are no other viable aquaculturists operating on Long Island in Suffolk County. I understand that Suffolk County is the process of considering various plans to manage the use of all grant parcels that I have -- that have reverted to it. I would respectfully remind the committee that Suffolk County has been considering such plans for decades and decades already.

The solution is not at all simple, and there is no reason to assume that it is on the verge of any solution. I also wish to remind you that the properties that I seek to redeem constitute a very small

portion of the total land that has reverted to Suffolk County to be administered under any program it creates. I also think you should be aware that the lands at issue today are not currently being harvested by baymen in any meaningful sense for many reasons. One reasons is

3

that it is very difficult to do so, the lands are in deep water, much of it is in excess of 20 feet of water. Baymen do not have the resources to recover shellfish from these properties. But my estimation -- by my estimation, these lands may generate about two bags of shellfish per today at current levels, which we've been actually out there hand clamming ourselves now and then again to make some extra money while our seeds grow. And it's just not as much -- it's not as productive as it was being led on to be. Under the same program of aquaculture that I have used on my other properties, the lands can -- can after careful seeding and management generate in excess of over 200 bags a day. It is my understanding that the resolution that is before this committee today was drafted based upon the findings of Suffolk County Aquaculture Committee, a committee that has no commercial representation and has at least in part a consistency of a part time -- part time baymen who have no marine management experience and who have never produced even one clam or oyster. Thus, Suffolk County Aquaculture Committee has not been provided with appropriate educational information to make any recommendations that would have such a monumental impact on the future of this industry. It's troubling that this committee and the County would not seek out a fair and balanced committee make up to ensure that the best interests of the County and all of its residents be addressed, rather than the short sighted and biased views of a few connected individuals who have never been engaged in full time aquaculture or marine management.

Ladies and gentlemen, I say as humbly as possible, you are looking at the entire oyster and clam industry in Suffolk County today. And that, ladies and gentlemen, it is a sad testament to aquaculture in Suffolk County and to the Suffolk County Aquaculture Committee, that I'm basically the only one doing any midscale aquaculture out in the Peconic Bays today, thereby providing -- the committee has completely ignored the input of private farmers who as -- who as a natural by-product of their work introduced millions of shellfish seed into the Peconics annually, thereby providing a valuable renewable resource to the estuary system. Please do not underestimate the value of this -- to this to Suffolk County and the shellfishing industry. Your support of the resolution before you today will not only hurt my honest efforts to continue and grow my business, but it will further injure the already damaged shellfishing industry. At the same time, the County does not have any immediate or viable solutions to the problems in the industry. The land I seek to redeem represents a small portion of the reverted lands. Allowing me to redeem them will

not adversely effect the efficiency and viability of any long term leasing program. On the contrary, the County will be greatly added in its long range goals to allow me to continue my business and to work hand in hand with the County to create a long term plan to manage the County's valuable resources. By allowing my application for redemption, the County will satisfy short term objectives as well as it systematically explores many different alternatives in fostering the aquaculture industry. My company will be -- will be well using this period which might be quite protracted to continue in its seeding and harvesting efforts and revitalizing Long Island's shellfishing industry. I urge each and everyone of you to do the right thing. I ask that this committee to abandon this resolution or at the very least table it until the next time this committee meets. In the

4

meantime, I would like each one of you to take a few hours out of your schedule to visit my facility and understand what private and public benefits an operation such as mine can have for the future of shellfishing in Suffolk County. I encourage you to speak to the DEC to get an on idea of my reputation and intentions.. Quite frankly, the County of Suffolk has no master plan for management, use or development for over 30 years, and currently does not have sufficient funds set aside in the current budgets to institute any program. That said, how can I -- how can any of you honestly support a resolution that does not solve but exacerbates the problem. If after visiting my facility you still feel that denying me the right to operate my business, then you can certainly lend your support to this resolution at that time. Thank you.

CHAIRMAN BISHOP:

Mr. Parrino, you are here to oppose a bill which does not grant you a deed to property that you are already on? Did you redeem the property?

MR. {PRIOR}:

If I can address that. Mr. Parrino purchased from the trustee in Bankruptcy in the Aquaculture Case of whatever rights the trustee has to these aquaculture underwater properties. At that time they were already foreclosure proceedings by the County pending, and the trustee made clear that it may be that Mr. Parrino would have no absolute right to redeem these properties from the County.

CHAIRMAN BISHOP:

Then he went to Mr. Raines, who was the Deputy Treasurer at the time, and did he pay back taxes on that?

MR. {PRIOR}:

He's quite prepared to pay if -- if --

CHAIRMAN BISHOP:

Oh, he worked out with Mister -- Mr. Raines a plan to pay, and now what's happening is this committee doesn't want --

MR. {PRIOR}:

Excuse me. The time period to absolutely redeem has passed. So now it was discretionary with the County to accept his application to redeem. If the application is granted, then Mr. Parrino would have the obligation to pay, but right now I'm advised that his application is presently under consideration by the Legislature.

CHAIRMAN BISHOP:

But this is the resolution by the County Executive that runs contrary to that resolution that would grant him the authority.

MR. {PRIOR}:

Yes. My understanding is that Suffolk County has some long term objectives to retake any reverted property and enter into some type of leasing or other use plan down the road. However, in the meantime, the property Mr. Parrino wishes to redeem is a small percentage of the overall properties that have been reverted. And it's his hope that if we he expand his one aquaculture business that's the only one existing

5

in Suffolk County right now to these couple of properties which represent a small portion of the total reverted properties, it would be useful both to him, obviously, but to the County as well because he can work with the County in lock step in attempting to implement or to work through the various alternatives to a global solution to the that the County is now grappling with.

CHAIRMAN BISHOP:

Which is?

MR. {PRIOR}:

Which is attempting to figure out a way of once the properties are reverted to use the property in a beneficial way for benefit of the County and for the industry. I don't know that -- my understanding is admittedly somewhat limited is that the County has no specific plan or solutions to the problem of what to do with these properties once reverted.

CHAIRMAN BISHOP:

Now, forgive my ignorance, these are properties that are along the coastline or they're in the middle of the bay? How does that --

MR. PARRINO:

Actually, you get the rights to do -- they're underwater parcels.

CHAIRMAN BISHOP:
So they go out into the --

MR. PARRINO:
Yeah, they're out in the middle of Gardiner's Bay.

CHAIRMAN BISHOP:
And those rights have been with other owners in the past since when?
Since 1880? Since 1620?

MR. PARRINO:
They're oyster -- oyster lands dating way back. I saw this as -- I
purchased land back in 1993 from the court from Long Island Oyster
Farms. That's when I worked with General Raines and the County that
first time, okay? This time --

CHAIRMAN BISHOP:
I see. You did it once before, and now you're trying to do it
again --

MR. PARRINO:
Well, this time I saw as a last chance effort to try to obtain more
land when I found out that they went into Chapter 7 and they were
liquidating Aquaculture Technologies. So I just, you know, followed
the process again and applied to the court, and I battled with
Mr. {Pillis} in Aquaculture Technologies in the Bankruptcy Court
because he was trying to outbid me and everything. Then the judge
ruled in my favor with that.

CHAIRMAN BISHOP:
Now, Mr. Grier, are you here as the advocate for the resolution.

6

MR. GRIER:
Yes.

CHAIRMAN BISHOP:
Well, are you the primary one?

MR. GRIER:
Mr. Isles is here as well.

CHAIRMAN BISHOP:
Counsel, why don't you slide down one seat. Mr. Isles and Mr. Grier.
Why don't we let this guy have the property?

MR. GRIER:
David Grier, Department of Law. Basically what we have done is we're
-- at this point, it's a two step process. As you may remember from

the property known as Broad Cove Duck Farm last year, we undertook a similar process. This is the first step, which is to establish that we have a superior governmental need for the property, the next step would be a subsequent resolution to then say, we're exercising our rights and holding on to the property and extinguishing any rights of redemption. So we're in the first phase right now. And that's under our code.

CHAIRMAN BISHOP:

But the big -- the question is why. Why are we doing it?

MR. GRIER:

I am getting to that. Just you understand where we are. What had happened, these properties have a long sordid history dating back some 16 years of unpaid taxes. Mr. Parrino is correct in that he had purchased some of the Long Island Oyster Farms properties back in 1993 while the stay on the County had been in place in the Bankruptcy Court. Subsequent to that, the property was out of Bankruptcy for a matter of a few short months, went back into Bankruptcy. The County had endeavored to have this stay lifted, we were successful this past January. And in April we took our tax deed for not just Long Island Oyster Farms property, Aquaculture Technologies, but other properties which were in tax arrears out in the Peconic and Gardiners Bays. Subsequent to that, Mr. Parrino obtained a quick claim deed from the trustee to acquire eight parcels, one of which all the taxes had been paid on. So we have these seven parcels, he subsequently put in his application to redemption, and we filed this resolution. The purpose being that all the underwater lands out there that are not in public ownership, there are a number of issues involved. Some deal with the fact that there is -- there are dual ownership issues, there are other issue with regard to whether or not the properties are being used appropriately under the grants that were given, which those have to be addressed in the future. As far as this peculiar parcels are concerns, the Aquaculture Committee that was convened by this body through the resolution sponsored by Legislator Guldi, issues a report this past June. And in that report, it recommends that all properties that are outstanding that can be retained under public ownership be obtained so that we can establish what we want to do in the future as far as what kind of program we want to put together, and it also consolidates the holdings into one entity as opposed to it being

fractious, meaning various different private holdings. And it also -- by being a public ownership, it also allows the public general access to them.

So what we've -- so what we've done is we're -- we're seeking to retain these properties from public ownership so that we have as much of the underwater lands out there as possible to subsequently

implement a program. We are -- the Planning Department has been in contact with the DEC who was looking to add various alternatives and possibly change this to state legislation to make a program more viable. It's in the infant stages right now, but we're at the first phase where we'd like to retain as much of the property as possible so that we can move forward with something that does make sense.

CHAIRMAN BISHOP:

Mr. Isles, do you want to briefly add to that?

MR. ISLES:

Yes. Just briefly, in terms of the committee, as Mr. Grier has indicated this was formed Legislature about a year ago. We held a total of nine meetings, which were all open public meetings, and specifically, we held two public hearings that were attended by 130 individuals, of which we had 41 speakers. I don't see on the record that Mr. Parrino spoke at any of those hearings. I'll also point out too that the committee itself consisted of 16 members, various County Departments were represented as well as the Legislature and the County Executive.

CHAIRMAN BISHOP:

Mr. Isles, what I -- what I think would be helpful is to understand more about why. There's an inordinate amount of process information now before us.

MR. ISLES:

Well, my only point with the process is that there was extensive review put into this, nine months worth of effort and also the diversity of the committee membership, all the East End towns were represented, the Peconic Baykeeper and so forth. In terms of the why. After all of that deliberations and public hearings, it was the unanimous opinion of the committee to deal with the problem of control and public access. And really what we're looking at is a system that was created in 1884 originally in terms of the issuance of the land grants that is archaic to today's standards. What the committee strongly recommended in a report to the Legislature that you have before you is that by gaining back these parcels into public ownership, only upon the tax default and the loss of opportunity through default payment of taxes that this be reverted back to the public control and that a new system be explored to provide for a successful aquaculture industry in Eastern Suffolk County. So that was the basis of it as explained in detail of this report.

CHAIRMAN BISHOP:

You've read the report, and I haven't. Why -- why is it archaic? Why if he is a -- what do you -- what do you call yourself?

MR. PARRINO:
A shellfish grower.

CHAIRMAN BISHOP:
A shellfish grower, private shellfish grower. Why can't -- I assume the goal is to have that industry continue.

MR. ISLES:
Yes, it is.

CHAIRMAN BISHOP:
That's the goal of the report as well. Why it archaic to have an individual engage in that?

MR. ISLES:
I think the -- number one, Mr. Parrino does not engage in that on the subject parcels, number one, at the present time, to the best of my recollection. Number two, in items of your general question of why is archaic, we found a lot of problems in terms of the patterns of land ownership right now with the scale of operations; some of these parcels are extremely large, some are relatively small, but the -- there was discussions about what is the appropriate scale to maintain a balance between the baymen interest and the public interest and just wild harvesting of shellfish versus the cultivated operations that are occurring with the aquaculture operations. So it dealt with a multitude of aspects dealing with such issues, as I said, about the scale of the operations in terms of being compatible to the location, also dealing with the -- even just the -- we have maps on this, we have very fragmented ownership in terms of associating those with current natural shellfish beds. Really what the report saw and what was talked about in the 1969 Legislation that also affects this is that what needs to be done is to do an overall survey of where are the natural beds, where are the resources that need to be protected, where are the areas that are not producing natural harvest that are suitable for introduced or aquaculture type operations. None of that really occurred back in 1884, of course, when all of this was originally contemplated.

CHAIRMAN BISHOP:
So in 1884, I assume the entire bed was covered with shellfish.

MR. ISLES:
Right. I would assume so too.

CHAIRMAN BISHOP:
Today, very little is.

MR. ISLES:
Very little is, but there are many areas that are viable natural shellfish areas. And this was strongly attested at our public

hearing, by both, here again, people that do wild harvesting as well as members of the general public. And really what we're dealing with here is an issue of conflict management between various interests that are seeking to utilize the resource that we have in Peconic and Gardiner's Bay. As I said, it was not a simple subject, but in terms of the issue of control, I think the direction we were heading in our

committee, and here again, the unanimous recommendation was to bring it back to the public control and do a program -- what the State of New York currently does is what's called, assignments, whereby it's a lesser form of a lease perhaps whereby they will let areas to be -- five acre areas to be utilized for shellfish harvest. I think what we are contemplating is an extension of that, whereby if it's not used after a period of time, if the person gets a lease from the County of Suffolk or the State of New York it terminates, it can then go back into public use in some other form or then be given to another aquaculturist. We're not permanently tying it up as a land grant would do. So trying to encapsulate what took many months to put together, and I'm sorry if it's not as clear as it probably should be, but those are some of the considerations that went into the committee's recommendation to you.

CHAIRMAN BISHOP:

How much land are we talking about? How much underwater land is the issue?

MR. ISLES:

The parcels in question, my understanding is that there are 776 acres.

CHAIRMAN BISHOP:

Out of -- and what -- just to give me some scale.

MR. ISLES:

Okay. The entire underwater bay system in the Peconic and Gardiner's Bay is 110,000 acres. What our study showed is that initially there were nine or 10,000 acres that were in private ownership as private land grants. At the time when the study was started.

CHAIRMAN BISHOP:

Are most of these private, the 10,000 acres, are the taxes paid on most of them or they're --

MR. ISLES:

No. Our -- we were -- that was one of the specific charges we had, was to examine the tax issues. The reversion or the taking of the tax deed that occurred by the County Treasurer in April, I believe, resulted in over 5000 acres that were in default of taxes by -- by the statutory period as a minimum, so more than half were in default of taxes. We have

the actual number --

CHAIRMAN BISHOP:

Do we have the right to regulate what occurs -- I assume we do -- on this property?

MR. GRIER:

Once they're --

CHAIRMAN BISHOP:

I mean, can't we just achieve the same goal by implementing a series of regulations as to how we want to see the property used and demanding public access if that's the issue.

10

MR. GRIER:

Well, to a certain extent, once -- under the 1884 law, it provided for sale of the properties to individuals, which is a grant as though we were buying a park. And there were no controls placed on the property at that point except for a condition that they be used for oyster culture. That was the only condition in the state legislation that had to be imposed. Beyond that, they are no controls that have been in place --

CHAIRMAN BISHOP:

So the state granted land to the County and then in turn, we allowed private individuals --

MR. GRIER:

That was the purpose of the legislation to provide for that.

CHAIRMAN BISHOP:

Now we have a committee which says, hey, when the private individuals don't pay taxes, take back the land, get it in government control and start a program anew.

MR. GRIER:

Correct.

CHAIRMAN BISHOP:

Conflicting with that is this gentleman who says, I bought the rights to 700 acres from a Bankruptcy Trustee, and I want to move forward and do my own private aquaculture. And that's against the policy of committee. That's why we're here.

MR. GRIER:

Correct.

CHAIRMAN BISHOP:

Does anybody else want to -- I assume, Mr. Parrino, you want another bite

at the apple, the oyster.

MR. {PRIOR} :

If I could just go back to a couple of points that Mr. Grier and Mr. Isles made. First of all, I think what I heard Mr. Isles say is that they intend to subsequently implement the program. Mr. Parrino is currently operating on a number of existing underwater sites. And I have had personal conversations with the -- the DEC with respect to the fact that they completely support of oyster cultivation he's doing there right now, I'd like to reiterate he is the only oyster cultivator that we have here in Suffolk County right now performing this.

CHAIRMAN BISHOP:

Stop there. Is that true? And did anybody -- in our committee, is anybody saying they don't like the way Parrino operates?

MR. GRIER:

Not that we're aware of. But as far as the DEC being in support of it, the DEC is in support of aquaculture in general out in the Bays.

CHAIRMAN BISHOP:

So is the committee, and so is the Legislature and so is everyone in the

11

room.

MR. GRIER:

Correct.

MR. {PRIOR} :

At the actual hearing --

LEG. CARACCILOLO:

Okay. On that point, because it's a very salient point, and that is what harm would there be to let Mr. Parrino expand his business.

MR. GRIER:

The harm is because we have a number of properties which are not only -- given the host title issues that are out there with the various grants that have been provided over the years, there are {clouds} on title, the boundary lines of properties are very different --

LEG. CARACCILOLO:

Let me interrupt you, Dave. You're talking about globally the 700 plus acres. We're talking about, I thought the request was for how many acres?

MR. GRIER:

776 acres. Globally it was -- there's 100,00 acres.

LEG. CARACCILOLO:

I know in the bay there's 110,00 plus, I understand that. Do you want to expand your current operations by what amount?

MR. PARRINO:

About -- it's about 700 acres, but there's a big misnomer about this number because you could take a hundred acre lot and maybe only get ten or 20 acres of real suitable bottom to grow your shellfish on. That's why these old companies had ten of thousands of acres back in the day. Because now the technology is much greater where we don't need as much land, we can plant much denser. But it's a -- the number is very misleading. I have 100 acre parcel that only about ten or 15 acres, between the drop offs and rocky bottoms and -- it's not like you buy 700 acres and it's flat pristine bottom, like, if you looked above land at a farm, you know, and you say, hey, that sounds like a lot of land. But out in the water, 700 acres is like a needle in a hay stack basically.

LEG. CARACCILOLO:

Is the intent of the committee in its recommendation to open this up to not only review and clear title issues, but to a competitive bid situation?

MR. ISLES:

{ Shaking head yes}.

LEG. CARACCILOLO:

So from your standpoint is there an argument that by granting this applicant exclusive use you preclude the -- the market forces and the competition of others that may bring to County coffers more money; is that -- is that another issue here?

12

MR. GRIER:

Well, under the '69 legislation, a procedure had to be implemented for the process of leasing the properties, and one of which would be a competitive process that could be undertaken to determine what the remuneration the County would receive for the use of those properties. So that is an alternative that is available to the County and putting it back into private hands would preclude us from being able to do that.

LEG. CARACCILOLO:

How long do you -- will it take to clear up these issues you're concerned about?

MR. GRIER:

With some of the other properties that we're talking about that we didn't by tax deed, those will necessitate various type of court actions in order to clear up title and get reversions of different sorts. So those

-- those properties would not be -- would not be immediate. It would take us time in order to do the background investigations, bring the actions and go through the court system.

LEG. CARACCILOLO:

As aside from the reservations you've raised about making an exception and that's what the applicant seeks is an exception, what other arguments do you have? We're not talking about the resolution, we're talking about an individual's -- an individual request to expand his current business.

MR. GRIER:

Well, Mr. Parrino, as a member of the public would have the same opportunity as anybody else would have to get access to these properties should they be available.

LEG. CARACCILOLO:

But he'd have to wait.

MR. GRIER:

Right.

LEG. CARACCILOLO:

I think that's what the gentleman is saying, I'm in business. I'm out there, I have a fish farm, why can't I expand it, why do I have to wait?

MR. GRIER:

Because by waiting, we no longer have control over the properties. He's got them. If what's he's doing at some point in the future is not in line with what the committee ultimately determines --

LEG. CARACCILOLO:

Can't we strike an agreement that would make him subject to?

MR. GRIER:

I don't make the policy decisions.

LEG. CARACCILOLO:

We do. But that's what we're trying to get at here. Why can't we enter into an agreement that would -- he would have to be in compliance with whatever regulations, whatever -- all the site retirements we would

require. If it's subject to that, and he accepts that, what's wrong with that? I mean, you have somebody that's there. Why should he have to wait six months or six years to all these other legal issues are resolved on a global basis when it's not necessary? What type of revenues -- excuse me, Mr. Parrino, what type of revenues does your business generate for government and taxpayers?

MR. PARRINO:

Well, I currently -- I sell seed to about -- the Town of Brookhaven, Town of Huntington on a bidding -- competitive bidding -- I sell them, like, 5 million seeds.

LEG. CARACCIOLO:

Does the government collect any taxes as a result of your operations?

MR. PARRINO:

Oh, yeah. We're totally on the books, and, I guess, New York State taxes.

LEG. CARACCIOLO:

What type of taxes?

MR. PARRINO:

Oh, property taxes. All my taxes are paid up. I paid over ten years of back taxes when I first -- that's with General Raines, I worked with him, I paid --

LEG. CARACCIOLO:

I understand that. What I'm trying to get here is from an economic development standpoint, what is to be gained by government by giving you access --

MR. PARRINO:

Well, there's about \$60,000 worth the back taxes that I'm going to pay to redeem these properties. And to further my business, I'm going hire more people and try to grow, I thought that's the American way. I mean, they want -- I went to these hearings. There was two different hearings going on at the same time. Bill {Wise} was a Chairman of another committee about leasing programs, and I wrote letters, and I did attend those meetings, my partner spoke at those meetings, I had employees speak at those meetings. I might not necessarily have gotten up, but there was input from other oyster companies. Most other people doing this are doing a mom and pop, a part time thing right now, we are the -- me and my partner are the only full time oyster farm out there with the -- with our own hatchery facility which is the -- there's only one other one on Long Island, which is the Flower Oyster Company in Oyster Bay.

CHAIRMAN BISHOP:

Okay.

LEG. CARACCIOLO:

Thank you.

CHAIRMAN BISHOP:

Legislator Fields, do you --

LEG. FIELDS:

Is this working?

MR. GRIER:

If I might make a statement just briefly. What I don't want you to take is that we have to undertake all these other legal proceedings in order to move forward with the program, we don't have to, it's not required. We can implement a program on whatever properties we do have in the County control. So those are -- those would just be additional properties which would fall into the program.

LEG. FIELDS:

We don't have a program yet, though?

MR. GRIER:

That's correct. That's what the -- one of the -- the purpose of the committee was to be the first phase and decide what are the things we'd like to see done immediately in order to move towards establishing a program. We've had the -- we have the report which indicates one of the recommendations is to acquire -- reacquire the properties into public ownership so that we have the ability to determine what the most viable course the action is the future is. The next step is to determine how want to -- what are the criteria we need to establish in order to implement something. And that's the next phase which has to be done and has not started yet.

LEG. FIELDS:

You stated that you were the only aquaculture business around, but doesn't Cornell do the same, to name one?

MR. PARRINO:

Well, they do it for not for profit. They're an educational group. There are others. There's about 20 other small people, part time, you know, whether it be fireman, carpenters that are on the water trying to grow oysters, but I'm basically -- I was put at the shellfish preserve by the Peconic Land Trust as a big experiment basically to see if -- my partner was a full time lobsterman, I was a full time clam digger -- to see if we could on a smaller scale start to grow our own shellfish instead of relying on mother nature and conditions naturally. With today's technology, it's ridiculous -- you know, I saw it as ridiculous to wait for sets of clams where I could grow million and millions in tanks and seed my own grounds and put my destiny in my own future. And basically, we're starting to running out of land, we plant about 20 acres a year. And I saw this as a golden opportunity just to try to get some more land so I can just keep planting shellfish.

LEG. FIELDS:

There was an article in, I think yesterday's paper or the day before about a bacteria affecting these -- has that affected you?

MR. PARRINO:

What is that, QPX Disease or? There's -- there's it's a constant struggle, I've been doing this for seven to almost eight years now, and that's one of the reasons why we looked out into Gardiners, there's never been any natural occurring brown tides out there. There's never been any red tides out there. The nutrient source out there is really high, and

15

it takes years -- it takes six years for a little neck clam to grow.

LEG. FIELDS:

My question is about the disease, the QPX. One of the things that I think that I read about it was that when you put a lot of racks, I think that they are, in one particular place, it can tend to increase the --

MR. PARRINO:

Well, that was from the Staten Island-New York State Shellfish Program. In other words, those clams were coming out of Staten Island at full size and just being cleansed out in the Peconics and then sold within 21 days. That's not really doing aquaculture as far as fertilizing eggs and sperm and growing the shellfish.

LEG. FIELDS:

Did they say in the article that one of the reasons that the oysters or clams are prone to the disease is because there are many racks of these --

MR. PARRINO:

Well, the disease -- naturally in aquaculture everything is grown under much tighter conditions, like I grow maybe 100,000 clams in one little tank --

LEG. FIELDS:

Oh, you do clams and oysters.

MR. PARRINO:

Clams and oysters, scallops, everything we grow. So in other words, these diseases come out more -- they are more struggling to the aquaculturist because when you're growing in higher densities, there are greater risks which --

CHAIRMAN BISHOP:

Chicken and egg question. What she's - what she's really is does your industry create conditions that lead to the disease, that's what she's --

MR. PARRINO:

No. No.

LEG. FIELDS:

I think that's what it did say in the article, but, okay. You're saying no.

CHAIRMAN BISHOP:

And you're saying you're the victim because you have to have concentrated amounts.

MR. PARRINO:

See I'm also -- we also always breed resistant. Every year we're -- I work with Rutgers University, we're always trying to -- like corn or any other crops breed more resistant shellfish by cross-breeding, hybridizing, there's other diseases, {dermo}, MSX, there's a lot of different shellfish diseases that's been conquered over the years through, you know, hybridizing.

16

CHAIRMAN BISHOP:

I think what I'd -- I'm sorry, but I -- what I was going to recommend is that I would urge us to table this today and invite this Aquaculture Committee, and if they want to make a specific statement about his particular operations and why it wouldn't fit into their grand scheme, then they should do it at our next meeting. I'm sorry to interrupt you. Go ahead.

LEG. FIELDS:

Okay. I have another question for Tom Isles. Can you give us the same analogy in land rather than underwater land, how the County does the same kind of procedure that you would like to do in underwater land?

MR. ISLES:

In terms of the assertion of a superior governmental interest? I think the analogy would be perhaps the example of Broad Cove, which is a case where there was a determination -- in a parcel in the Town of Riverhead where there was a determination, a Legislative determination, that that parcel was significant to the Peconic Estuary, to the open space and well being of the Suffolk County as a whole, and there was an assertion in that case that in balancing the private and public interest understanding that there has been significant arrears of taxes, and this opportunity for redemption is one that is taking seriously, is not a light action, that there are some rare instances where the public interest is so significant that the assertion of that public interest is something that the Legislature has their judgement to take. So I guess that would be the example.

LEG. FIELDS:

But your public interest in that -- what are your assertions? What -- what are you saying is so great that the public needs?

MR. ISLES:

I appreciate the Chairman's suggestion about perhaps tabling this and having the environment -- the Aquaculture Committee come in, because this is probably one of the most complex issues I've ever dealt with in my career, and it's hard to summarize into five minutes or less. The issues I think that are significant here is that the -- there is a significant public purpose to the well being of the Peconic Estuary System. Aquaculture is viewed as being a part of that, certainly not exclusive, and I think what we are looking at is how do we enable an aquaculture industry to exist here, to thrive here, but also to coexist with other demands and needs, including environmental and economic needs of the -- of the resource.

LEG. FIELDS:

Okay. Thank you.

CHAIRMAN BISHOP:

I just can't resist. But to me, you know, at this point and I'm willing to hear from the committee, it's more like China, where we want to have a collective farm, we want to get control of the land governmentally and then lease it back out to the farmer, which maybe there's an argument for that that's particular to this situation where you have underwater lands, but.

17

MR. ISLES:

This is an extremely significant step. I mean, obviously it's a policy decision of this body. I just want you to be aware that once we make this decision, we're probably locked into it for the next hundred years. But I just ask you not to take it lightly because, as I've said, it's one of the most complex issues I've dealt with. And I'll also tell you too that we've had extensive discussions with DEC, and DEC in verbal conversations with them with the Director of DEC strongly supports the action of the County. So I appreciate here again the interest in tabling it. I think it is something --

CHAIRMAN BISHOP:

We'll table it to the next time. I assume you gentlemen will be back. Erin will invite -- is it Ray Cowan that we should invite? We'll direct it to Ray Cowan, and we'll see if they send somebody, and we'll pick it up at that time with the Aquaculture Committee, we'll also invite them. Thank you all.

MR. {PRIOR}:

Thank you very much.

CHAIRMAN BISHOP:

In recognition that it's a heck of a lot more difficult to travel east in the late afternoon than it is west, I'm going to ask that Supervisor

Williams come up next. Mr. Walter, as of right you had the next slot, but we're going to let Shelter Island go first so they can get back.

MR. WILLIAMS:

Good afternoon. My name is Arthur Williams, and with me are Jim Doherty, who's the Chairman of our Two Percent Committee, our Land Preservation Committee and Hoot Sherman who works with Peconic Land Trust. I think we're here to talk about two parcels, I think I'm back to talk once again about St. Gabriels, which I spoke to you maybe a few weeks ago. And just as a very quick refresher, I think that was about -- it's a little over a seven acre -- two parcels combined about seven acres on Burns Road and Cartwright Road. And it's currently owned by the Passionate Monastery of Our Lady of the Isle. And I think when we last addressed the specifics, Mr. Isles had done an evaluation of the property, and I think we fell a little shy of the minimum required points to -- to move it forward from your perspective. And since then, I think Mr. Isles indicated that he was going to talk to Mr. Minei in the Health Department and see if there wasn't any additional criteria that might be considered by you all in looking at this -- these particular parcels.

LEG. CARACCILO:

That's correct Art, and I'd like Mr. Isles to join us as well as Mr. Minei so you can update us on your reevaluation of the subject parcel and its point standing.

MR. ISLES:

At the request of the committee at the last meeting I did contact Vito Minei the Director of the Division of Environmental Quality of Health Services. Mr. Minei's office, and I'll let Mr. Minei speak for himself, has done rather extensive and recent groundwater investigation on Shelter Island. We asked them to provide an opinion or advise regarding this acquisition. I have received a memorandum back from Mr. Minei, and the

memorandum provides a description, I can provide it for you right now, of the parcel and its significance from a groundwater and surface water protection standpoint and a recommendation that the parcel, due to the unique circumstances of the aquifer on Shelter Island, be included in the County's Drinking Water Protection Program. As far as the point value of I think the last time we had reached a point value of 20, and this would not necessarily change the point value, but I think the important thing to note on that is the ranking system is a guide. And it's a guide that this committee and the Legislature can use in evaluating parcels, but there are limitations to it because the guide measuring eight or ten criteria County wide doesn't always factor in local conditions. So Mr. Minei's letter which is being handed out to you right now provides further background that we think does add weight and significance to this parcel.

LEG. CARACCIOLO:

So then that raises the question should the acquisition be sought under the Quarter Percent Open Space Preservation Program as opposed to the current resolution which identifies it as a multifaceted land preservation acquisition.

MR. ISLES:

Well, I think it would qualify under both. It would certainly qualify under the drinking water, but it would also qualify under land preservation, and that would be with partnership with the Town of Shelter Island.

LEG. CARACCIOLO:

The town has indicated it's willing to partner with the County on a 50-50 basis.

MR. WILLIAMS:

Absolutely. Correct.

MR. SHERMANN:

Hoot Sherman, I'm a past Supervisor. We've been trying to buy -- the town's been trying to but this parcel since the mid '90s, but they could never get St. Gabriel's to come to the table before. They've finally come to the table because there's a 40 acre parcel right next to this, which we want to work on, and then the state owns 35 acres just to the south of this, which is contiguous, and that whole thing puts a whole block right on the top of the prime aquifer on Shelter Island, which obviously a prime concern to us because we only get our water from one place.

LEG. CARACCIOLO:

Right. And speaking of water, you recently had some very serious water issues on the Island that I hope are now on their way to be fixed. Vito, do you want to comment at all about your memo?

MR. MINEI:

Basically, it summarized in the first paragraph that we strongly support the acquisition of this property as Mr. Isles indicated. We addressed three issues with regard to supporting our position. One is the drinking water concerns on Shelter Island and we just completed a Shelter Island aquifer study, which included the use of cutting edge three dimensional

computer models, and we made a presentation here before the committee on the water quantity and quality issues of Suffolk. Shelter Island is probably unique in that it maybe the only location where we truly have a quantity issue due to the encroachment of saltwater. There's also a concern about quality, and we make a point that on the St. Gabriel's property the water quality, the groundwater quality. Is good from the

standpoint of Peconic Estuary Program, I believe the overarching management issue for the entire program is that the preservation of that water resource is actually a land management challenge to Suffolk County. About 40% of the watershed including the properties on Shelter Island are available for development. So that's the big challenge that we've discussed. And lastly, not only protection of Peconic Estuary as a whole, but also Coecles Harbor specifically. And lastly, I addressed the issue of critical natural resource areas. It was a mechanism used in the Peconic Estuary which again is cutting edge and is really being highlighted in the national estuary program as a means of elevating natural resource protection to the same level as water quality protection. So on those three basic issues we strongly support the acquisition.

LEG. CARACCILO:
Thank you very much.

CHAIRMAN BISHOP:
I just have question of the two Supervisors, past and present.

LEG. CARACCILO:
Bipartisan, Dave, be careful.

CHAIRMAN BISHOP:
Right. Bipartisanly. What I understand Mr. Minei's memo to say and what I understand from press accounts is that you've got a very tenuous situation with you water supply on Shelter Island. And I dare say that every piece of open space that remains on the Island I'm guessing you're going to come back if you can and say, hey, Suffolk County, let's purchase this one as well because of our drinking water situation; isn't that true?

MR. WILLIAMS:
I wouldn't characterize it quite that way. As a matter of fact, we're currently in the process of applying for, under the revolving loan fund, for \$4. million line of credit and -- under the Clean Air Water Act, and we've been requested there to -- to now take a closer look at being more specific about what parcels we would have a long term interest in, and I believe we've identified a little over 20 or 30 parcels that we think are critical and that would be in the range of our future view. I don't think we really --

CHAIRMAN BISHOP:
Let's just -- let -- 30 parcels representing how many acres roughly?

MR. WILLIAMS:
Eight hundred or so.

CHAIRMAN BISHOP:
And how much does an acre of land go for out in Shelter Island right now,

roughly?

MR. WILLIAMS:

Well, 100,000 you can figure, at least.

CHAIRMAN BISHOP:

\$100,000 an acre, and we said -- what was the acreage?

LEG. CARACCIOLO:

In this case, seven acres.

CHAIRMAN BISHOP:

No. No.

CHAIRMAN BISHOP:

Eight hundred acres, but let's be realistic.

MR. SHERMANN:

Some of that land you're not going to touch because it's eight \$900,000 an acre, it's on the water. So, you know, you're not going to get close to that.

CHAIRMAN BISHOP:

I guess what I'm trying to draw to your attention is this, probably a 20 million at least -- you know, 20 to \$40 million necessary effort.

MR. SHERMANN:

But we understand that --

CHAIRMAN BISHOP:

Your two percent tax is not going to come close to achieving that.

MR. WILLIAMS:

No, but some of the things have already been accomplished, and Legislator Caracciolo reminded me of our recent closing on the -- on the Ryan land acquisition, of course, that wouldn't happened without Dr. Ryan and his wife's generosity. So clearly it's going to be -- many of these deals will be done because of with different factors in play.

CHAIRMAN BISHOP:

I have before me -- I'm holding in my hand a list of 70 parcels in this County that we've approved in the last two years for planning steps, which is going to draw down an awful lot of money if we ever get to the point where we start acquiring a majority of them. You're going to get squeezed out inevitably. You know, it seems to me that what you folks ought to be doing with Legislator Caracciolo is coming up with some sort of long range plan that specifically addresses the need on Shelter Island

to preserve property in order to protect the water supply, which is so endangered.

LEG. CARACCILOLO:

That -- that's an excellent suggestion. However, I would point out --

CHAIRMAN BISHOP:

I mean, coming back here piece meal one after another after another after another which is what I see inevitably occurring, you're going to bump up

21

against, hey, you know, we've got a lot of other needs in this County, and then Shelter Island's going --

LEG. CARACCILOLO:

And I think, Mr. Chairman, when we address the question of need, we should do so very carefully and avoid making the mistakes of buying Shadmores and Oak Beach Inns, which those two acquisitions alone cost this County \$15 million.

CHAIRMAN BISHOP:

Right. I don't know if you could characterize them as mistakes. You feel they're mistakes, others --

LEG. CARACCILOLO:

Folic farm, I can go on and on and on.

CHAIRMAN BISHOP:

Of course, and that's exactly my point. You know, I'm from the West End, see that there is a real problem on Shelter Island, but I'm not going to crowd out all other spending in Suffolk County to address Shelter Island. And that's --

LEG. CARACCILOLO:

But they should be done based on the merits and not politics.

CHAIRMAN BISHOP:

Right. So my point is when you bring it in piece meal, you're running a risk of running out of Legislative support a lot sooner than you anticipate. And perhaps what needs to occur, which I know that you're a dutiful Legislator, is to sit down with the Town Board and work -- construct a plan where you say, County, here's what we'd overall like to accomplish --

MR. SHERMANN:

We've got that and we have our priority list, but you have got to have a willing seller, and if you don't have a willing seller, and you say I want A, B, C, D, and if W wants to sell you his piece of land and it's really a good piece of land, that may --

CHAIRMAN BISHOP:

So where are these two on the list, they're one, two on the priority list?

MR. DOHERTY:

We do have a priority list, and as Mr. Williams said, I'm Jim Doherty, Chair of the Two Percent Committee, is about 750-800 acres on it. And both of these are very high up there. I can't bring to mind where they are. St. Gabs is very high, but we shouldn't overlook what Mr. Sherman just said. Many of these pieces are in the hands of very strong holders and probably in my estimation, others will never come to us, they'll, you know, who knows what the future will bring. But of the 750-800 acres, you know, pick a number. I would say the vast majority will never have to worry about in terms of your generosity or Shelter Island's Two Percent tax monies

22

LEG. CARACCILOLO:

And Mr. Chairman, I think that's a fair assessment of Shelter Island. I dare say that when we look at the list of 70 parcels for planning --

CHAIRMAN BISHOP:

Yes, I know, little Shelter Island is barely a blip on the screen.

LEG. CARACCILOLO:

No. No. No. It's not where I was going. What I was going to say is that again, you're dealing with the market place and a willing or non willing seller. So while we may have 70 resolutions, we maybe successful in only acquiring maybe a fourth or a third of these. So I mean, to put things in perspective, I think that does it.

MR. WILLIAMS:

And it's -- and it's fair to say that these parcels do -- are part of a strategy. The fact that we're piece mealing it really only relates to timing.

LEG. CARACCILOLO:

And I would point out there is another resolution on this agenda which we were just given the County's appraisal -- we're still waiting for town appraisals on Camelot -- and, you know, we're looking at something that's three times the cost of numbers we just heard per acre in that town for something that is surrounded completely by industrial development. So let's use our common sense when we get to issues like that --

CHAIRMAN BISHOP:

You're failing your Dale Carnegie courses. Let me make this point one last time. What has typically happened in the last two years is that we have a slew of planning steps resolutions, and I'm sure these will pass

as well. But what is starting to occur is that the planning step process is concluding, and the Real Estate Division and the Planning Department will be coming back to us with actual deals, and they will draw down these funds. So if towns and Legislators don't have priority lists, what they're going to find, I believe, is that the well is going to running dry before their priorities are addressed. So it's important that everybody plan for that inevitability, and I think that's what I'm trying to articulate.

LEG. CARACCILO:
Great.

CHAIRMAN BISHOP:
All right. So these two are important. It's important to the future of Shelter Island and to the water supply, right? Is that the bottom line?

LEG. CARACCILO:
That's the bottom line.

CHAIRMAN BISHOP:
And they're planning steps only both of them.

LEG. CARACCILO:
Correct.

23

CHAIRMAN BISHOP:
Thank you.

MR. WILLIAMS:
May we address the -- may we address the Tedford property or is that --

LEG. CARACCILO:
The Tedford property, while you here, I guess. That's a separate resolution, it's an Introductory Resolution. This is the first time on that one. Go ahead.

MR. WILLIAMS:
All right. Well, there is another Introductory Resolution for -- to buy the development rights of approximately 12.5 acres of a property that we refer to as the Tedford, it's owned by Allister Tedford. And the property is located -- it's within 20 and a half acres, so there will be some -- a little bit of development surrounding the property. It's located on the northwest corner of Manhasset and Cobbets Lane, and we feel this is an important acquisition. It's a little bit more centrally located and probably a better -- more of a watershed type property in and of itself, but it neighbors other open -- open space. And it's something the town has been aggressively pursuing for some time.

CHAIRMAN BISHOP:

Thank you. That will be fine. Farmlands -- we have plenty of money for farmlands. Legislator Caracciolo unfortunately has an appointment this afternoon, and he requests that we go to the agenda first. I appreciate that. I know he doesn't do it lightly, so let us go to the agenda and then we'll do the presentations.

INTRODUCTORY PRIME

1995. Amending the 2002 Operating Budget appropriating funds for the Nature Conservancy. (HALEY)

CHAIRMAN BISHOP:

Motion to table by myself.

LEG. CARACCILOLO:

Second.

CHAIRMAN BISHOP:

Seconded by Legislator Caracciolo. All in favor? Opposed?

TABLED (VOTE: 5-0-0-0)

1998. Amending the adopted 2002 Operating Budget and appropriating funds in connection with Suffolk County Planning Federation for Smart Growth Policy Plan training. (FIELDS)

CHAIRMAN BISHOP:

Are we prime on these? It's assigned to Budget, okay. Motion to defer to prime, seconded by -- it was already tabled in prime so. We don't amend the budget when we're facing a deficit, we're not spending money.

LEG. FIELDS:

May I just speak about that?

24

CHAIRMAN BISHOP:

Sure.

LEG. FIELDS:

This bill is asking that we support really what the Planning Department -- if Loretta could pass those out to us at this point so that the Legislature can see what it is that --

CHAIRMAN BISHOP:

You should have done that in the Budget Committee where we had some power over this bill.

LEG. FIELDS:

Well, maybe when you go back to the Budget Committee deliberations you

will have the recalled seeing this. And maybe, Tom, during the next Budget Committee meeting you could present it again if I'm not there. This basically is a program that I think in the times that we are in where we're trying to look at smart growth and balance building with preserving we found in the Smart Growth Committee meetings that some of the people who have been working with townships don't even really know what do to with -- with planning. So this is a step in trying to educate the whole County on just basic training. And if you look through this brochure, you will see that it is extremely enlightening, and it has a lot of very interesting topics that would be very important for the rest of the County to understand in terms of the towns and the villages following some kind of comprehensive plan and --

CHAIRMAN BISHOP:

So the proposal that you're making is that we pay for what?

LEG. FIELDS:

We pay for being able to train other townships in planning and understanding so that we can -- they can follow hopefully a smart growth principles and --

CHAIRMAN BISHOP:

It's waiving the \$25 application -- what's the application fee?

LEG. FIELDS:

No. It's for -- it's for conducting training classes, this is one of several that we would like to give --

CHAIRMAN BISHOP:

Oh, it's not just this one.

LEG. FIELDS:

It's not just this one. Have I left anything out maybe?

MR. ISLES:

No. But there are costs associated with either bringing -- this one we have the Department of State providing instructors as well as local instructors. But typically we might have to pay for that a little bit, you know, in items of lodging fees and so forth to bring somebody in from the outside, duplication materials, we like to give reference materials they can take back with them and use, the printing cost for those and so forth, those are the types of things that are out of pocket expenses that

we don't have money for.

CHAIRMAN BISHOP:

And the Department advocates this, you developed this?

MR. ISLES:

Yeah, we strongly support this.

CHAIRMAN BISHOP:

Did you put it in your -- in your proposed budget?

MR. ISLES:

Yes, I did, actually for next year, put some money in, yes.

CHAIRMAN BISHOP:

Right. And is it in the budget that came over?

MR. ISLES:

Yes. Yes.

CHAIRMAN BISHOP:

Oh, excellent.

MR. ISLES:

But not for this year.

CHAIRMAN BISHOP:

So they're going to get it next year.

LEG. FIELDS:

We need it now, you know, especially the Legislator from the east who complains that -- Legislator Caracciolo -- that we are not getting the properties acquired, and that we're seeing these huge buildings, you know, developments going up in the east. This would really help, I think, in the understanding of towns and villages to -- to realize that we have to pay attention to what's going on and much more so then I think that they maybe doing.

MR. ISLES:

We've put a thousand dollars in for next year. Since the Smart Growth Committee's been meeting, and Legislator Fields in on that committee, hearing from the villages especially -- we have 31 villages in the County, so many of them have made the point that there are members that are out on Planning Boards, Zoning Boards of Appeals and so forth and even Village Boards with no background knowledge on planning and zoning and subdivision and smart growth and so forth. So the reception, the reaction, has been extremely positive. This -- this brochure went out about two weeks ago, and we've had a tremendous reply already. So we did a program last year, we received about 80 participants, we expect to break 100 with this one we hope.

LEG. CARACCIOLO:

This \$5000 in the resolution, do you need it for this year's Operating Budget? Can you get through this year without it? That's really the question.

MR. ISLES:

Okay. I mean, this year we have zero, so it does make it tough. So in term of those handouts and doing other programs perhaps this year it would limit that. So in terms of do we need it, we can do this program in a bear bones method without it. If we wanted to do something that gives reference materials and so forth and do subsequent programs this year, we would need some more money for that.

LEG. CARACCILOLO:

The sponsor should know that I supported it in Budget.

LEG. FIELDS:

I'm going to make a motion to approve even if we're not prime because I feel --

CHAIRMAN BISHOP:

Motion to approve by Legislator Fields, is there a second?

LEG. CARACCILOLO:

I'll second, yeah.

CHAIRMAN BISHOP:

What?

LEG. CARACCILOLO:

Second, third.

CHAIRMAN BISHOP:

Second and third. All in favor? Opposed? I'll be opposed. So I'm consistent in voting in one committee one way, the other committee the same way. It is APPROVED (VOTE: 4-1-0-0) (Opposed; Leg. Bishop)

And then what happens, Counsel, since it wasn't approved in prime?

MR. SABATINO:

The recommendation on the floor, if it ever gets to the floor, will be that this committee approved it on the merits.

CHAIRMAN BISHOP:

It's not going to the floor until it gets out of the Budget Committee.

2001. Authorizing planning steps for the acquisition of land under Pay-As-You-Go 1/4% Taxpayer Protection Program (Land of Peat Hole Pond, Bellport, Town of Brookhaven) (TOWLE)

CHAIRMAN BISHOP:

Okay.

MR. ISLES:

This is two parcels where the total area of the Post acquisition of about two acres. So it's all of one parcel located on the aerial photograph to the left side outlined in green or to the west. The larger parcel to the right is three and a half acres. Apparently the resolution only involves one acre of that. Pete Hole is the freshwater pond that you see there. Bellport Bay, of course, is to the south. There is some attachment in the resolution material that refers to a parcel in East Hampton. I'm not

27

sure if that just got mixed in or not with the sponsor's resolution, but we've evaluated it as the Pete Hole proposal. We'd just would like to bring to you attention a couple of points. The resolution calls for using this for public access and so forth, including ice skating and so forth. We questioned whether how viable that is given the fact that there is a neighborhood around it, it doesn't appear to be any parking for -- for some sort of public park type purpose based on what we've seen. It is a relatively small sized parcel. And in terms of the ranking, it would come in at about twenty points from what we've ranked. Any questions?

LEG. FIELDS:

Question.

CHAIRMAN BISHOP:

Legislator Fields.

LEG. FIELDS:

Who owns the property that is above the green in the other wetland?

MR. ISLES:

Which parcel?

CHAIRMAN BISHOP:

The one with the house --

LEG. FIELDS:

It looks like there are about one, two, three other parcels that are within the freshwater wetland delineation in blue.

MR. ISLES:

Yeah. Those are privately owned parcels, they're not either by the town the village or the County at this time.

LEG. FIELDS:

Is this property under threat of development in any other way?

MR. ISLES:

Not that I'm aware of, not that the Department is aware of.

CHAIRMAN BISHOP:

Why don't we table this. If Legislator Towle has more information, we'll certainly keep an open mind to it.

LEG. CARACCIOLO:

Second.

CHAIRMAN BISHOP:

Motion to table by myself, seconded by Legislator Cooper. All in favor? Opposed? TABLED (VOTE: 5-0-0-0)

2004. Suffolk County Private Well Water Remediation Program.
(CARACCIOLO)

LEG. CARACCIOLO:

Mr. Minei, would you please come up. As Vito indicated earlier, he has

28

along with other representatives of the Health Department been involved in the groundwater water study, part of a state grant --

CHAIRMAN BISHOP:

Is this to spend money out of the 1/4 Cent Program?

LEG. CARACCIOLO:

Yes.

CHAIRMAN BISHOP:

So it has to go to that committee, right? Correct, Legislator Fields?

LEG. FIELDS:

Yes.

CHAIRMAN BISHOP:

It hasn't gone there yet, so we can't consider this --

LEG. CARACCIOLO:

No. No. No. This -- we're not spending a dime at this juncture. What this does -- what the resolution does is lays out a framework wherein -- I'll wait for Mr. Minei to -- wherein the County Division of Environmental Quality would establish a plan and establish criteria for use of funds that should then be submitted to this committee, to this Legislative Committee, subject to approval, and they would have 120 days after the adoption of this resolution to do so. Second, it would require enactment by a town where a well -- private well is located to partner with the County with a 50% matching share for this remediation project. And third, that enactment by the County of a subsequent resolution

approving the actual expenditure of funds. So the last addresses your initial concern. And if we can give Mr. Minei our attention perhaps he can just summarize his report.

MR. MINEI:

Thank you. I'm Vito Minei, Director of Environmental Quality for the Department of Health Services. I gave you each a cope of the presentation, I'll just summarize some of the highlights of it. Essentially we've reviewed this in house, and on behalf of Commissioner Bradley, I want to state that the Department of Health Services advises that we should work towards prevention of further groundwater contamination and extension of public water instead of the individual management of already contaminated wells proposed in this resolution. I've identified in the presentation a number of issues supporting our position. Number one, we feel that identifying the 1/4 cent sales tax is an inappropriate funding source. The proposed funding source for a private well water remediation is clearly inappropriate in our estimation. The program is targeted at preventing and mitigating sources of pollution such as stormwater, fertilizer and other contaminant sources. We strongly believe that it is not designed to treat already contaminated water for private homeowner use. Another -- another item that we should all keep in mind as we move through the evaluation of proposals for the 1/4 Cent under the Water Quality Protection and Restoration Program is that the three estuary programs are highlighted as the priorities; the Long Island Sound Study, the Peconic Estuary Program and the South Shore Estuary Reserve. Clearly this proposal is outside the purview of those estuary programs --

29

LEG. CARACCILO:

Mr. Minei, if you would just suffer an interpretation because I'd like Counsel to comment on whether or not the 1/4% funding source can be used for this purpose.

MR. SABATINO:

Two points. One is I'd warned you last year that Resolution 659 Of 2002 would be used precisely for these kinds of purposes, to change Legislative oversight and allocation of the funding. And here's the second example I think we've had in a couple of months. So Resolution 659-2002 which was extensively debated and articulated, and I warned you about the ambiguous gobbledygook language in that legislation is now being used to block legislative initiatives. Point number two is that, yes, the 1/4% money is eligible for this if you approve a resolution and appropriate it.

LEG. CARACCILO:

Okay. Thank you.

MR. MINEI:

I'm giving you my position. The final point under the heading of inappropriate funding source is just that resolution. It was the intent of the Legislature to give the screening committee the prerogative to provide priorities and give you a sense of what that committee felt was important to be funded under the quarter cent. The other thing too is the issue of under -- under public water supply. I think it's clear, and it should be recognized here that the Department of Health Services does not wish to present home water treatment of private wells as a functional equivalent of public water supply. About two years, we entered into a very lengthy discussion with the Town of Southold and the Water Authority on just this issue. Our water filter districts an acceptable surrogate long term to public water supply, and we ended up with what we believe is a more appropriate management plan of water supply from the North Fork based on the disassociation from private well treatment systems. Just quickly jumping to a few other points in the presentation, there's a heading of applicability, and the concern here was what appears to be inconsistency in the wording. In some passages under the whereas clauses, it talks about wells contaminated by pesticides --

LEG. FIELDS:

Where are you, Vito?

MR. MINEI:

I'm on the second page of the presentation under applicability. I'm not reading verbatim from here because of time. I've sat in the audience until 7:30 myself, I'm trying to be courteous here. Basically there's -- in even a casual reading of the resolution an apparent inconsistency in the terminology. In some passages under the whereas clauses, it talks about contamination from pesticides and fertilizers, and later on it talks about installation of devices for the removal of pollutants in private wells determined to be unsafe sources of potable drinking water. So there's a concern there if you are talking about all contaminants or just agricultural chemicals. Under the heading, number of wells, a number of private wells that we've used in a number of presentations to highlight some priorities of 5000 wells, we've talked a number of times before this committee about 60 or 70,000 private wells still in operation

30

in Suffolk and probably 5000 being a priority for investigation. That was not meant to imply that those 5000 wells all have to be treated to the same level. In fact, if you read further in that paragraph, we've made the proposal under the DEC pesticide grant to make an investigation of at least 5000 wells. And we intended that to be a three year, \$1 million effort of investigation.

LEG. CARACCILO:

Is that initiative under way?

MR. MINEI:

No.

LEG. CARACCILO:
I'm sorry?

MR. MINEI:
No, it's not because of the negotiations and the cutback of the funding that --

LEG. CARACCILO:
What do we tell residents that have private wells that we suspect or we know, based on your test results, are contaminated, just sit tight until we get around to doing what government should be doing, but we're not doing it yet?

MR. MINEI:
No. I think what we should be really concentrating our efforts on is priorities for public water extension.

LEG. CARACCILO:
Well, we can't do that. As you know, you and I have talked about this privately, we cannot unilaterally do that.

MR. MINEI:
Right.

LEG. CARACCILO:
Right.

MR. MINEI:
Maybe I can talk about some of the complications. I mean, we -- we have the same sensitivity you have to these private owners, my staff is out there all the time, but if I could just touch on a couple of items that are problematic with regard to this kind of initiative --

CHAIRMAN BISHOP:
Mr. Minei, Legislator Caracciolo, would you permit this committee -- this memo is dated today, so the two of you haven't had a chance to go over it together, two principles. So why don't -- would you allow us to table this today, not call for a vote, we'll table it, and we'll pick it up at the next meeting? In the interim, you two will hopefully have a meeting --

LEG. CARACCILO:
That's a very reasonable request, but I would suggest -- add that, Mr.

Chairman, for this committee, departments and department heads that want to make presentations should be fully prepared to share the contents of

reports with the committee before the day of the committee so that we have an opportunity to review it and avoid these types of delays.

MR. MINEI:

And we would ask for the same courtesy. I get these resolutions probably midweek before this committee, and they're usually a total surprise to us. And you see this comprehensive evaluation is pulled together in a matter of a few hours so we can afford --

LEG. CARACCILO:

They're laid on the table at the meeting --

MR. MINEI:

-- the Commissioner and to the County Executive before we come here. We done get that courtesy.

CHAIRMAN BISHOP:

Mr. Minei, the resolutions are laid on the table at the prior meeting of the Legislature by law, that's how they come to be.

MR. MINEI:

But I mean, if someone is proposing an initiative of this sweeping magnitude, they might want to have some professional input before it's brought even before their colleagues. That's the way it's done in other states. I mean they have screening committees to evaluate them before they're brought before Legislative bodies.

CHAIRMAN BISHOP:

Wow.

LEG. FIELDS:

Vito, when is the next quarter percent meeting?

MR. MINEI:

It's on the 15th.

LEG. FIELDS:

The 15th of October. So the other question -- the question that I have is that this is going to appear before the Quarter Percent Committee before it appears again back here. And, I guess, then that I will ask the Quarter Percent Committee to table that until there's more deliberation on it also.

LEG. CARACCILO:

Counsel, could you just lay out a final point, the process here if this resolution is to be adopted as to which of these committees prevails.

MR. SABATINO:

The Legislature prevails, and, in fact -- in fact, because I made such a big deal about the concern last year, you even had representations on the

record that that committee would not -- that other committee would not become a committee that would in effect become veto power over what the Legislature was doing. I wasn't comfortable in its final form, and I knew -- I knew as sure as I was sitting there that day that later down

32

the road that committee would become the point of impediment, but that resolution was adopted nevertheless.

LEG. CARACCILOLO:

So this committee can act unilaterally without the action of this other committee?

MR. SABATINO:

Yes.

LEG. CARACCILOLO:

Thank you. Just so my colleagues understand that.

CHAIRMAN BISHOP:

Motion to table by myself.

LEG. CARACCILOLO:

Second.

CHAIRMAN BISHOP:

Seconded by Legislator Caracciolo. All in favor? Opposed?

TABLED (VOTE: 5-0-0-0)

2005. Authorizing planning steps for the acquisition of land under Pay-As-You-Go 1/4% Taxpayer Protection Program (Land of Long Island Property Group, Town of Islip). (ALDEN)

MR. ISLES:

This consists of a total of five parcels of 2.8 acres of land in the Hamlet of Bay Shore in the Town of Islip on Orowoc Creek. I will just note that these parcels were included in the Greenways plan and were approved by resolution in 1999 for acquisition. At the time there was contact made with the owner, and there was no reply. We therefore support this resolution since it is consistent with the Greenways Program. The acquisition, as you know, would come under the new Drinking Water Program and not the Greenways Program. But as you can see by the aerial photograph, outlined in yellow are other County parcels, outlined in reddish color are Town of Islip parcels. It is part of the stream corridor, and as I said, with the Greenways plan it was recommended, and we would maintain that recommendation today.

CHAIRMAN BISHOP:

Where's the creek?

MR. ISLES:

The creek -- it's a dark line actually extending to the right-hand side of the green and yellow parcels. It's kind of hard to -- between the pink and the green and yellow parcels. This is Bay Shore south of the -- the shopping center you can see to the north end of the aerial is now a Kohl's Department Store. Saxon Avenue is a little bit to the west, as you can see. Sunrise Highway would be off the map up by the -- where the tidal block is essentially, the Orowoc Creek addition.

LEG. CRECCA:

Can I ask, Tom, what's the --

33

MR. ISLES:

South of Sunrise and partly east of Saxon.

LEG. CRECCA:

Tom, what's that line that runs through the middle, is that a paper street?

MR. ISLES:

Which line are we talking about?

LEG. CRECCA:

Well, there's nothing there.

MR. ISLES:

Yes. Yes, that's a paper street right there. That's outlined in the light red or the thin red line?

LEG. CRECCA:

Yeah, I guess so, yeah.

MR. ISLES:

That's a paper street.

LEG. CRECCA:

Would we -- would we be able to --

CHAIRMAN BISHOP:

Consolidate all these holdings, is that what --

MR. ISLES:

Yeah. Eventually, once -- once there are no other private parcels that require that road for future access, then I think an application in the Town of Islip for an abandonment --

CHAIRMAN BISHOP:

What did -- what did this score?

MR. ISLES:
What is this for?

CHAIRMAN BISHOP:
Score.

MR. ISLES:
Oh, score. It was recommended in the Greenways, so we didn't do a ranking on this one. It was included in the Greenways plan. Certainly if you'd like we can do a ranking under today's plan, but it was included in the plan.

LEG. CARACCILO:
Mr. Chairman, that raises -- Dave, that raises --

CHAIRMAN BISHOP:
What could be done with this in Greenways? Oh, Greenways open space. I see.

34

LEG. CARACCILO:
Mr. Chairman, as you are well aware because we have discussed this several times, correspondence has been sent to the Commissioner of Real Estate as well as to the Director of Planning requesting that all subsequent resolutions for acquisition, planning steps or otherwise, contain additional pertinent information so that members of this Legislative Committee can make informed decisions. I thought we had a resolution for that.

CHAIRMAN BISHOP:
Yes. I had a meeting with Mr. Isles yesterday, and almost every one of your suggestions will be incorporated into a new presentation system. Essentially you're going to get the aerial and the statement of need, you know, an assessment statement along with it and information on the current owner. When there is a -- that's for planning steps. When it's a resolution for acquisition post planning steps, when there's a deal, then you'll get the title history as well because that would come through the plan.

LEG. CARACCILO:
That makes sense. Certainly you don't want to waste all that time and resource for a planning steps resolution, I agree with that. When will that be forthcoming, the next committee?

MR. ISLES:
Well, Mr. Bishop and I did have a discussion, a meeting, on this yesterday, and I appreciate the time he gave me yesterday. I prepared a

letter for Mr. Bishop with copies to the committee summarizing our discussion. So I think once we get clarified on what committee's looking for and is comfortable with your level, we can certainly -- I think the next meeting is two -- three or four weeks away, so we'd have to time then to -- we will implement it as quickly as we possibly can.

LEG. CARACCILOLO:

One of the very purposes of this form is so that we can eliminate the redundancy at every committee meeting where we raise the same questions; what's the point ranking, what's next to it, what's this, what's that, have it on one piece of paper, and we can look at it and we can make our own determinations.

MR. ISLES:

By the way, the point ranking on the subject resolution is 40. Loretta just calculated it so.

CHAIRMAN BISHOP:

Motion to approve by myself, seconded by Legislator Fields. All in favor? Opposed? APPROVED (VOTE: 5-0-0-0)

2019. Adopting Local Law No. - 2002, banning the sale of ironite fertilizer in Suffolk County. (FISHER)

CHAIRMAN BISHOP:

There's a public hearing. Ginny Suhr is here though from Legislator Fisher' Office. This has to be tabled for public hearing. Well, while you're here, why don't you -- so you don't have to come back -- tell us why.

35

MS. SUHR:

Ironite is a home lawn and garden fertilizer frequently used on golf courses and athletic fields. And it contains very high level of arsenic and lead. It's produced from the mine tailings of a proposed Superfund site in Humboldt, Arizona. And government agencies have found levels of arsenic it in that are high enough to classify it as a hazardous waste. It's already banned in Maine, they're considering it in Washington, Minnesota and California. The manufacturers feel that it is not a risk because the arsenic and lead that it contains are not bioavailable, which means that they are encapsulated in mineral forms. But there's no history to tell us whether they will become over time bioavailable. And if indeed the arsenic and lead will not become bioavailable, it is unlikely that any nutrient or beneficial value would be, such as iron or zinc. A serious consideration about this becoming bioavailable is the effect of acid rain on these arsenic and lead that are now becoming part of the soil. The risk is especially serious to children because of their constant hand to mouth if they're playing in the ground. And this is building up over time. And, of course, the effects of arsenic poisoning or lead poisoning would be much more serious in little ones.

CHAIRMAN BISHOP:

Now, did you take the direction of Mr. Minei and run this by the Health Department? Do you have a comment on it?

MR. MINEI:

Well, I have a presentation again, but since the last one went so well, maybe I'll just highlight this.

CHAIRMAN BISHOP:

Please. It went well, you got a tabling on it.

MR. MINEI:

Again, we received this midweek. We reviewed it probably Thursday of last week. Essentially this, I think, is a concern. This one kind of caught us off guard actually. Just quickly on behalf of the Commissioner, I want to say that for the purposes of this ironite fertilizer, this specific product, we are supportive of the resolution. But as you read further into the problem, there's a package there from the Code of Federal -- Federal Register as well as some other information. It gets rather disturbing. Apparently under some catch, some amendment, to federal law, you can repackage what constitutes in our mind hazardous waste and sell it as fertilizer. Some states have taken the action of banning it, as was mentioned by the Legislative aide. So what we're suggesting as you read through, we give some of our own perspective on how to address and evaluation of these types of fertilizer. But basically, we believe this is such a big issue with multiple products. I know for 30 years there's been municipal sewage sludge sold in Suffolk County and around the country under the terminology {Milarganite} for the Milwaukee Sewage Treatment Plant and {Philarganite} for the Philadelphia Sewage Treatment Plant that obviously contains heavy metals, some gardeners swear by it. They obviously have nutritional value, and that's the concern for us, I believe, in New York State. If you read into the federal guidance of -- in various states, the agricultural departments determine the utility of fertilizer products, and invariably they're looking at the nutritional value. Does the label actually portray correctly the nitrogen phosphorous potash

36

combinations when you get into materials that fail very gross greening toxic chemical evaluations, and they're able to be packaged in. I believe it is a concern, and we'd like to thank the Legislative staff for bringing that to our attention.

CHAIRMAN BISHOP:

Okay. So you support this, and you want to see a more comprehensive approach --

MR. MINEI:

On a state level.

CHAIRMAN BISHOP:

All right. And so Legislator Fisher will meet with -- not at the County level? We couldn't do a more comprehensive approach?

MR. MINEI:

Well, you know, this County has on many occasions has taken the initiative, and I think spurred state legislation. I would like to see this debate elevated to a state wide level.

CHAIRMAN BISHOP:

Thank you very much. Motion to approve by myself -- motion to table for public hearing by myself, seconded by Legislator Caracciolo. All in favor? Opposed? TABLED (VOTE: 5-0-0-0)

2021. Making a SEQRA determination in connection with the proposed improvements to the Foley Skilled Nursing Facility, Yaphank, Town of Brookhaven (CP 4057). (PRES. OFFICER)

CHAIRMAN BISHOP:

Motion to approve by myself.

LEG. FIELDS:

Second.

CHAIRMAN BISHOP:

Seconded by Legislator Fields. All in favor? Opposed? APPROVED (VOTE: 5-0-0-0)

2041. Authorizing planning steps for Greenways Program in connection with acquisition of farmland development rights for Tedford Parcel (Town of Shelter Island) (CARACCIOLO)

LEG. CARACCIOLO:

Motion.

LEG. COOPER:

Second.

CHAIRMAN BISHOP:

Motion by Legislator Caracciolo, seconded by Legislator Cooper. All in favor? Opposed? APPROVED (VOTE: 5-0-0-0)

2043. Declaring a governmental need for underwater lands located in Peconic and Gardiners Bays. (COUNTY EXEC)

LEG. CARACCIOLO:

Motion to table.

LEG. FIELDS:
Second.

CHAIRMAN BISHOP:

Motion by Legislator Caracciolo, seconded by Legislator Fields. All in favor? Opposed? It's TABLED (VOTE: 5-0-0-0).

2045. Authorizing acceptance of a gift of personal property from Robert David Lion Gardiner, former owner of Sagtikos Manor, and the Robert David Lion Gardiner Foundation, Inc. (CARPENTER)

LEG. FIELDS:
Motion.

MR. SABATINO:

You have to table that, Mr. Chairman, because there's still some missing information.

CHAIRMAN BISHOP:

Motion to table by myself, second by Legislator Fields. All in favor? Opposed? TABLED (VOTE: 5-0-0-0)

PROCEDURAL MOTIONS

11. Authorizing additional payment for Normandy Manor. (COOPER)

CHAIRMAN BISHOP:

Motion to table by Legislator Cooper, seconded by myself.
TABLED (VOTE: 5-0-0-0)

CHAIRMAN BISHOP:

CEQ. Where's the red coat? He left the room. All right. Skipping over CEQ.

TABLED RESOLUTIONS

1412. Adopting Local Law No. -2002, a Charter Law adding Article XXXVII to the Suffolk County Charter to provide a Suffolk County Save Open Space (SOS) Fund. (FISHER)

CHAIRMAN BISHOP:

Motion to table by Legislator Caracciolo, seconded by Legislator Crecca. All in favor? Opposed? TABLED (VOTE: 5-0-0-0)

1419. Authorizing planning steps for the acquisition of land under pay-as-you-go 1/4% Taxpayer Protection Program (land known as Bluepoints Company Property - Underwater Lands, Town of Brookhaven). (CARACAPPA)

LEG. FIELDS:
Motion to table.

38

CHAIRMAN BISHOP:
Motion to table by Legislator Fields, seconded by myself.
TABLED (VOTE: 5-0-0-0)

1540. Authorizing planning steps for the acquisition of land under pay-as-you-go 1/4% Taxpayer Protection Program (land of Ronkonkoma Cenacle, Town of Brookhaven) (CARACAPPA)

CHAIRMAN BISHOP:
Motion to table by myself, seconded by Legislator Caracciolo. All in favor? Opposed?

LEG. CRECCA:
Opposed.

CHAIRMAN BISHOP:
Legislator Crecca is opposed.
TABLED (VOTE: 4-1-0-0) (Opposed; Leg. Crecca)

1827. Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (St. Gabriels Property) Town of Shelter Island. (CARACCIOLO)

LEG. CARACCIOLO:
Motion to approve.

CHAIRMAN BISHOP:
Motion to approve by Legislator Caracciolo, seconded by myself. All in favor? Opposed? Planning steps only. It's APPROVED (VOTE: 5-0-0-0).

1828. Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (property of WDP Enterprises at Ronkonkoma) Town of Brookhaven. (CARACAPPA)

LEG. CRECCA:
Is this the one for active parkland?

CHAIRMAN BISHOP:
This is the one that needs to be changed to active parkland, I believe.

LEG. CRECCA:
Well, it's under the Multifaceted, wouldn't it --

MR. ISLES:
Right now it's under the Multifaceted Land Preservation. It got --

CHAIRMAN BISHOP:
It got how many points?

MR. ISLES:
Zero points.

CHAIRMAN BISHOP:
Zero points.

39

MR. ISLES:
It's behind a CVS Drug Store that just was built.

CHAIRMAN BISHOP:
All right. Motion to table by Legislator Cooper, seconded by myself.
All in favor? Opposed? It's TABLED (VOTE: 5-0-0-0).

1834. Authorizing planning steps for pay-as-you-go 1/4% Taxpayer
Protection Program (land of Galasso, Town of Islip) (ALDEN)

LEG. CRECCA:
Is this the one on Sunrise Highway?

CHAIRMAN BISHOP:
I have received no information from the sponsor since the last tabling.
I'll table it. Motion to table by myself, seconded by Legislator Cooper.
TABLED (VOTE: 5-0-0-0)

I assume you communicate with the sponsors when it's -- or is that our
obligation?

MR. ISLES:
Well, sometimes we do if we're asked to. We had been asked to get some
information, I think, from the Town of Islip on this one, which we've got
which they said it's not buildable and we brought that to your attention.
If you would like to us to contact the sponsor, I would be happy to do
that.

CHAIRMAN BISHOP:
No, it's all right. Camelot is next. Mr. Walter is here. Let's not
vote on that until he has an opportunity to be heard. He filled out a
card. I apologize for not have -- for not recognizing him earlier.

1911. Appropriating Greenways infrastructure improvements fund grant for
Miller Place property in the Town of Brookhaven. (HALEY)

CHAIRMAN BISHOP:
Is this in order, Counsel, 1911?

MR. SABATINO:

No. We're waiting for the --

CHAIRMAN BISHOP:

Motion to table to by myself, seconded by Legislator Fields. All in favor? Opposed? TABLED (VOTE: 5-0-0-0)

1912. Approving acquisition under Suffolk County Land Preservation Partnership Program (Ridgehaven Estates LLC) Town of Brookhaven. (HALEY)

MR. SABATINO:

We need a town resolution.

CHAIRMAN BISHOP:

Okay. Motion to table by Legislator Caracciolo, seconded by Legislator Cooper. All in favor? Opposed? TABLED (VOTE: 5-0-0-0)

40

1913. Approving acquisition under Suffolk County Multifaceted Land Preservation Program for Stage II Active Parklands (property in Ridge) Town of Brookhaven (HALEY)

MR. SABATINO:

We need a lot of things there, SEQRA --

CHAIRMAN BISHOP:

Motion -- motion to table by Legislator Fields, seconded by Legislator Crecca. TABLED (VOTE: 5-0-0-0)

1917. Authorizing planning steps for the acquisition of land under pay-as-you-go 1/4% Taxpayer Protection Program (land on Granny Road, Town of Brookhaven) (TOWLE)

MR. SABATINO:

That you just need to make a decision on.

CHAIRMAN BISHOP:

We tabled it last time.

MR. ISLES:

It came in at 30 points. It's 85 acres. We submitted aerials last time. It's got five acres of wetlands. It's in the Compatible Growth Area of the Pine Barrens. It's a little bit east of Route 112.

LEG. CARACCILOLO:

Who's the owner?

MR. ISLES:

Dexter (Cook). Dexter Corporation, LLC, located in Islandia, New York.

CHAIRMAN BISHOP:

I think on this one we'll table it one more meeting, but I would ask that you contact the sponsor, because it seems like it's a significant purchase. And we should give it more consideration. Motion to table by myself, second by Legislator Caracciolo. All in favor? Opposed?

TABLED (VOTE: 5-0-0-0)

1980. To authorize lease of active parkland property at Trinity Cemetery, New Highway, North Amityville, Town of Babylon from Most Holy Trinity Roman Catholic Church. (BISHOP)

CHAIRMAN BISHOP:

Motion to table by myself, seconded by Legislator Caracciolo. All in favor? Opposed? TABLED (VOTE: 5-0-0-0)

1986. Authorizing planning steps for the acquisition of farmland under Pay-As-You-Go 1/4% Taxpayer Protection Program (land of Carman at Sound Avenue, Town of Riverhead). (CARACCIOLO)

LEG. CARACCIOLO:

Motion to table.

CHAIRMAN BISHOP:

Motion to table by Legislator Caracciolo, seconded by myself.

41

TABLED (VOTE: 5-0-0-0)

1840. Appropriating 1/4% sales tax proceeds for pay-as-you-go open space acquisition of Camelot/Paumanok Wetlands property, Town of Huntington (Suffolk County Tax Map No. 0400-191.00-02.00-024.000) (PRES. OFFICER)

CHAIRMAN BISHOP:

All right. So the only thing we have to go back to after is 1840, which is the Camelot purchase. Mr. Walter, why don't we take you at this time and then we'll vote on that.

MR. WALTER:

Thank you, Mr. Chairman.

CHAIRMAN BISHOP:

Thank you for your patience.

MR. WALTER:

I know that at the last meeting you had requested the appraisals to be sent to the committee, and I had a discussion with the Huntington Deputy Town Attorney who has told me that she sent them on to this committee.

CHAIRMAN BISHOP:

Right. Appraisals were sent from the Town of Huntington, prior appraisals. We have them, and I know of your interest, we'll get you a copy of it. What I also requested which has not occurred yet is an appraisal of the value of the special use permit. If the committee will recall, this is the property that the Town of Huntington granted a special use permit for a health care -- home health care facility. Since that is a discretionary act, it has been a policy that we're trying to develop here by consensus that discretionary acts of the local towns will be paid for by the local town. So when we get that figure, then we will be able to in my opinion I would be supportive if Huntington is willing to pay for that added value that was created by the special use permit. I don't have that yet. And I e-mailed the town -- I had a meeting with Supervisor Petrone, I laid that out for him. They seemed willing to undertake to find out what that value is, and then we can go from there.

MR. WALTER:

I'm not sure quite where that stands. I know the town is struggling with that to see how to respond to that. I guess there's some legal aspects of that, but I'm not qualified to address. But what I would like to call to the committee's attention is the opportunity that exists to negotiate with the present owners. I think this committee was very helpful in the last month's meeting in which the IDA revealed what the situation was, in that Mr. (Paphendorpher) no longer has control of the property, and the Rochester funds are now in control of property, so that there appears to be a willing seller and an opportunity for the town and County to work together to acquire the property. From what I've heard of the appraisals, there's -- some of the appraisals are not so -- are not so complete, and some of the -- and there is an appraisal that is apparently very complete, and it's lower than the proposed negotiated price. So there is an opportunity, I think, for the town and County to come together to open -- reopen the negotiations and perhaps acquire the property at a lower price. And I would like to urge the town and County to work together to do that. You perhaps have seen the article in the

New York Times that came out after the last committee meeting that talked about who's going to pay for the property. There is a dispute between the town and the County and pictures the two entities, governmental entities, pointing at each other. The town asking the County to come up with the money as they have for other open space purchases where they haven't been on a 50/50 basis. And the County pointing that the price of the land is very high and that asking the town to put up more money. I think what we'd all like to see is instead of the finger pointing between the two governmental entities that they work together on this. And while we have this window of opportunity with a willing seller who has a high covering cost, and before they may go to another willing seller, there's an opportunity perhaps to renegotiate and come at a price that's lower

than the \$3.6 million that has been talked about now, which would have the opportunity of the Rochester funds getting the money in a more timely fashion then going through -- allowing -- going through a for foreclosure allowing a -- some other willing seller to come in and go through the remaining steps, which will take some time before the property can be developed. So that's the main point that I would like to suggest to the committee that-- that it entertain doing this. I do have copies of the New York Times' article. If you haven't seen that, I'd be happy to leave that with you. Also the -- I call your attention to the fact that a lot of the community interest has been not only in the open space -- and I would like to say -- recharacterize what Legislator Caracciolo has said, that this is surrounded by industrial uses, to point out that there is a car dealership on the north side of Jericho, but that's not an industrial use and that all of the uses south of Jericho are open space type uses; the day camps that only operate during the summertime, the high school that is next door, the two acre zoning and West Hills Park that's to the south. It's open space use, and it had received a 50 point rating by the -- by Suffolk County. This is a prime open space parcel at the top of the list of Huntington, and it should -- should receive, I think, expedited inquiry and treatment by this committee.

LEG. CARACCILOLO:

Mr. Walters, the Chairman indicated early when the Supervisor of the Town Shelter Island was here, this committee, this Legislature, has never been reluctant to partner with other governmental entities, but on a fair and equitable basis. The issue here is just that. Why should County taxpayers pick up what I think is a very questionable environmental purchase at 78% of the cost as a result of actions taken by the town to increase the value of the land by issuing a special permit? So those are the issues that have to be reconciled, and the town has to step up to the plate and provide 50% of the funding at a minimum. Because it's their actions -- and at the end of the day if this plan is not purchased and preserved by the town and County, that doesn't mean that the town in its wisdom going forward should see to it that this land is developed in a environmentally sensitive manner since there are some wetlands on the property. This is not a ten acre buildable plot, so I would encourage my colleagues other than Legislator Cooper who's probably been by this parcel many, many times since you're from the Town of Huntington to take a ride and see for yourselves what's all around this property. My recollection is there were two dealerships on the north side, there were gas stations. This is a very densely populated and commercialized area.

MR. WALTER:

There is strip zoning along the north side of Jericho for a portion of

that span, that's true. But the main uses to the south are open space type uses, and indeed it's on the space index that the conservation board has two acre zoning to the south.

LEG. CARACCILOLO:

Two acre zoning.

MR. WALTER:

And those parcels are generally two acres or larger to the south.

CHAIRMAN BISHOP:

I think you've heard Legislator Caracciolo's concerns, and before -- I believe that the committee overall would agree with what I was saying, which is to be consistent with what we have announced as our intention, which is when there is a discretionary action of a local government that that cost of enhancing the value of the property become their burden and not the County taxpayer burden. And it's -- was a huge issue last year on another parcel in the Town of Brookhaven which became infamous it is now appearing here again, perhaps in less intentional way, but it is here again. So we want to be consistent with what we what -- what we establish as our policy, and we're waiting on more information.

MR. WALTER:

I'm sure the legal staff of the Town of Huntington will respond, but what was on the Town Code was the ability for any owner of more than five acres to be able to have a congregate care facility on that site if they satisfied certain requirements, not that you're on a major road, five acres, agreement with a nursing home. And so I think one could argue that it was not a discretionary use, because we've been told that the Court of Appeals has held that if you satisfied those requirements, you have the right to have that under the Zoning Code. So -- but I'm sure you'll get some -- you'll get some information from the town on that basis.

CHAIRMAN BISHOP:

I don't think that's going to work, frankly, if that's what they want to do. Okay. Thank you very much.

MR. WALTER:

I would also like to leave you the information about the accident that was left --

CHAIRMAN BISHOP:

Yes. Yes. And Legislator Tonna's Office did provide that, and that was most tragic.

MR. WALTER:

There's a better article on that that appeared in the Long Islander that occurred last Friday on the -- on Jericho just near the Camelot site. That's been a concern to a lot of the community. Thank you very much.

CHAIRMAN BISHOP:

Thank you. I hope if it is acquired that they name it after you. Because

you certainly have been persistent and informative.

Okay. Motion to table by myself, seconded by Legislator Fields. All in

44

favor? Opposed? 1840 is TABLED (VOTE: 5-0-0-0)

CEQ RESOLUTIONS

CHAIRMAN BISHOP:

Let us do CEQ, and then we will have presentations and I think we'll be out of here by 7:30, there's no doubt about it. Thank you.

51-02. Proposed SEQRA Classifications of Legislative Resolutions laid on the table on August 27 and September 17, 2002.

CHAIRMAN BISHOP:

Motion by myself, seconded by Legislator Crecca. All in favor? Opposed? APPROVED (VOTE: 5-0-0-0).

52-02. Proposed development of Green's Creek County Park, West Sayville, Town of Islip.

MR. BAGG:

This project involves the proposed development of Green's Creek County Park, including landscaping with suitable native vegetation, boardwalk paths, sitting areas and a small parking area. Council feels this is an unlisted action. It will not have a significant effect on the environment for the following reasons: That none of that criteria in 617-7-C in the SEQRA regulations will be exceeded. The area was previously disturbed and no significant habitats will be affected. And the plan calls for only passive use park.

CHAIRMAN BISHOP:

Are you laying down blacktop on it?

MR. BAGG:

No.

CHAIRMAN BISHOP:

Motion by Legislator Fields, seconded by Legislator Crecca. All in favor? Opposed? 52-02 is APPROVED (VOTE: 5-0-0-0).

53-02. Proposed construction of a maintenance building at Timber Point Country Club, Town of Islip.

MR. BAGG:

This project involves the construction of a 10,000 square foot maintenance building at Timber Point Country Club, Town of Islip.

Council recommends it's an unlisted action and will not have a significant effect on the environment for the following reasons: None of the criteria within SEQRA will be exceeded, no significant habitats will be affected and the site is disturbed and has been previously used by the Parks Department as a horse stable facility.

CHAIRMAN BISHOP:

Motion by Legislator Fields, seconded by Legislator Crecca. All in favor? Opposed? APPROVED (VOTE: 5-0-0-0)

CHAIRMAN BISHOP:

Thank you, Mr. Bagg, the red coat is relieved of duty. Amy Jukatz,

45

Chairperson of the CAC Suffolk County Department of Health regarding recent initiatives in accordance with the pesticide phase out legislation. Good afternoon.

MS. JUKATZ:

Thank you for this opportunity to address your committee. We wanted to you an update on the progress of the pesticide CAC and implementing the phase out requirements of Local Law 34-1999. We have with us members from Cornell Cooperative Extension as well as Will Maxwell from the Parks Department. Adrienne Esposito was also here earlier and wanted to sort of give you perspective of the workings of the CAC, but had to catch a flight, so she unfortunately had to leave before she could do so. Folders were handed out, in there you'll see a summary of our annual report, which I believe all Legislators did receive earlier, late this winter, I guess it was as well as some other information. What I wanted to do today and ask everyone else to do as well is to briefly identify or highlight for you some of the initiatives, some of the activities of the CAC over the past year. We recognize that there is a partnership between the CAC and the Legislature, and we want to keep you abreast and apprised of what we're doing.

We are -- I'm pleased to -- to let you know that are now a full committee, everyone has been appointed, so we have no vacancies, and that has extremely helped us in maintaining a quorum because the committee does meet very frequently. We meet at least monthly, sometimes more than -- more than monthly. So we're active, an active committee. I'm also -- also pleased to --

LEG. FIELDS:

Is says number seven is vacant.

MS. JUKATZ:

That's has since been -- that has since been filled. That's Dr. Hailoo from Stony Brook, Office of Preventative Medicine, I think, or Division of Preventative Medicine. What you have there is taken out of the annual

report, which was prepared in January or February, so it is a little bit outdated. I'm also pleased to let you know that the CAC has been selected to receive an Excellence in IPM Award from the state IPM Program. In getting this, we have been recognized as being successful in bringing together a very diverse group of individuals and entities to the table to discuss in a constructive manner many of the aspects that are needed in terms of implementing a County wide -- a County phrase out program. And I think credit for the award goes to each member of the CAC, as well as the Legislature who recognized the need to bring this diverse group of people together in order to have a successful program.

As I've mentioned, we've been very active, meeting monthly, and also I wanted to acknowledge that the CAC is really more than just the appointed members, those are who vote on actions. We have regular attendance by many different County Departments as well as other people, other entities, that significantly contribute to our -- our research, our deliberation on some of the issues that we tried to tackle. As far as highlights, as you're aware in 2001 there were amendments to the local law that we're very appreciative of because that greatly enhanced our ability to implement the law. One of those amendments was for a special use exemption which enabled the us to grant -- enabled the CAC to grant a

46

one year temporary exemption for unusual or special circumstances where there was either a special need for a pesticide or maybe a special facility that just didn't fit into the general scope of things and needed a special exemption. Again, this is just a one year temporary exemption, though it can be renewed.

We've developed procedures to review those exemptions and -- or requests for those exemptions, and we have actually had two come before us which were both unanimously approved by the CAC. The first was a request by the US Department of Agriculture to treat properties in the Town of Babylon and Islip, County properties for Asian Long Horned -- for their control in efforts in the Asian Long Horned Beetle. So we were very -- they were very pleased that there was this process, because without that, there would have been a hinderance in their ability to control the Asian Long Horned Beetle in those areas. The USDA may come back to us. They will need to review this -- renew this again this year, and they may want to come back and look for a more permanent solution so they don't need to get a temporary exemption every year to do this.

The second special use exemption that we granted was for the use of antifouling paints on boat bottoms that are owned by the County. We granted these for very specific vessels, and these were ones that were deemed to not viable to -- either they were too large, too weight -- too bulky to haul out routinely and powerwash, or they were located at such a distance that they would not be able to be brought back and forth on a routine basis to powerwash. So we were very specific in limiting which

-- which boats and vessels were included in that grant. And again, that's a temporary one year exemption. One of the others activities that of the CAC has worked on was with the Department of Health Services that I work for as well as Cornell Cooperative Extension to develop a curriculum for an organic landscaper training program. And this is -- was a very well received training program on organic methods for landscaping, and we're hopeful that something can be established for next year as well. We've also dealt -- delved into the issue of mosquito control. Though mosquito pesticides are exempt under the law, we have reviewed a report prepared by Vector Control that looked into alternatives to traditional pesticides, and specific recommendations were made by the CAC and specifically the use of trials for using garlic oil based products. And those trials have begun to be used by Vector Control, and we're, I think, very positive of those, and we will continue those efforts to look for alternatives to traditional pesticides. I'd like to turn it over to Cornell Cooperative Extension to discuss some of the research efforts that they've been undertaking and what we can expect in the future as well. Bill.

MR. SANOK:

I'm Bill Sanok with Cornell Cooperative Extension, Suffolk County, Agricultural Program Director. And we have people on staff through this program that have been conducting demonstrations. As you know, we had reported last year we had demonstrations at the airport, on highways, on vegetation control. We are looking serious at control for things -- nuisance things such as poison ivy, evasive species, and other things that cause some problems. We have had a number of demonstrations at the golf course looking at alternatives for disease control and insect monitoring programs. We are developing a program, and we're working with the Vector Control to see how effective is this garlic barrier and some

47

other practices are. They are -- many any of them have very good claims, but we have to see it in real life how they do work.

LEG. FIELDS:

May I interrupt? Do you have any idea how the garlic program went so far this summer?

MR. SANOK:

I guess it has worked to some extent. The problem with the garlic -- we haven't monitoring specifically. We have to set up kind of a demonstration so you have a control. People will claim that it works, and it probably does work to some extent, but we don't know how well.

LEG. FIELDS:

In order to have initiated the program of attempting to look at alternative pesticide management, why would they have not set that up before they decided to test it?

MR. SANOK:

One of the -- one of the problems is we had a personal problem, and the person who was working with us, Joanne Burns, moved to another position, and it took us a couple of months to recruit and hire someone else to supervise this.

LEG. FIELDS:

Wouldn't the County Vector Control Department have given you some personnel to do this since it was us who asked them to --

MR. SANOK:

They were overwhelmed, and I think part of the problem is the timing was just not right, we didn't have enough time to set up the trial this current year. We have been talking about it, and we need to do it in an organized way in the future, that's the thing. If I apologize --

LEG. FIELDS:

I am not at all questioning you, I am questioning Vector control, because we had been asking them since the beginning of the last Vector Control Plan to test alternative measures, and we were told that that's what they would be doing. And if they're doing it in a haphazard manner, rather than doing it the way that you're that it be done, then I am very disappointed to say the least.

MR. SANOK:

I think part -- I think Dominick was try to go do the best job he could under the -- under the circumstances. And it was only after we started here he wanted another agency involved besides his own staff to look at it. And he thought we would be a good agency to do that, and it was right. And I think that was a case, but as I said, the timing was not the best. And, you know, we do need to do that.

MS. JUKATZ:

Amy Jukat. If I can interject a little bit. There was resolution passed by -- respond sponsored by cooper to higher an intern to look at alternatives to mosquito and then also conduct trials. However, once that intern was hired, really the bulk of what that intern or all that intern had time to do was to do the research, the literature search to

identify potential areas that looked promising. Our committee then reviewed that report and made recommendations, and specifically, our recommendation was to look to -- look outside Vector Control to conduct these trials, because the timing that when they trials would need to be done was also their critical time period of when all their staff is overly committed if anything to Vector Control. So -- but in the mean time, they didn't wait. So that was the recommendation of the CAC to look for an outside agency to sponsor, to fund, to do these trials and

certainly Cornell Cooperative Extension was a good place to turn.

In the interim, Vector Control I don't think really waited for those trials, they began out of a recommendation also from the CAC was to target Smith Point County Park as an area where this would be a good spot to try -- to try it. And so they did, they -- instead of waiting until a trial could be funded and set up, they started -- started doing that. So I don't think the CAC looked at that as a bad thing, it was a step in the right direction. And certainly any practical information they gained from that will help in the development of future trials.

LEG. FIELDS:

I guess then what I am looking for is we have to wait a whole another year in order for us to evaluate the garlic use.

MS. JUKATZ:

We've got a beginning, and I think Dominick can certainly address this more, but he has given our committee, you know, some updates on it. We have a beginning, but, yes, until the next Vector season comes, you know, we won't get any more information. But he -- he said it -- I'm sorry.

LEG. FIELDS:

Do you have a plan for next year, a time, the personnel and an absolute plan to -- and eye monitoring program here?

MS. JUKATZ:

No. We're hoping to develop that over the next few months.

LEG. FIELDS:

Will you have it prepared -- ready and prepared for Dominick so that we don't have to hear this again next time?

MS. JUKATZ:

I guess that will depend on whether -- you know, what other resources are need to implement that trial. Right now, I am not sure that we have the commitment or the resources available to do that, because again, we were looking to outside government agencies to do this. So it would be a partnership again.

MR. SANOK:

I think the problem here is that I don't know of anyone that's done that, that type of trial across the country. And one of the things we need to do is look and do that kind of search, find out what's being done so we don't have to reinvent the wheel, but we are trying very hard to set up a good program that we can be -- develop a lot of confidence in. And I think that's the bottom line of it. Okay. The other things that we're working on, Amy had mentioned, the bottom paints, the antifouling paints. We have a lead program that we hope that would work with us to develop

some alternatives. There are some things -- and again, if you go to the trade show, you'll see some people advertising it, just like you would do in organic process, but we need to look at them and we're again, formulating some plans to look at how effective these new materials are. The other part I might want to mention too is right now I am in the middle of a major program called Clean Sweep, which is a program we're working with DEC to get rid of unused, unwanted and illegal pesticides that are in storages throughout Nassau and Suffolk Counties. And the collection day which will be on -- in November, the week of November 18th at four different locations, but the County departments have been well aware of this and have been giving us lists of stuff to turn in. So I think it's a major effort to make sure that things are disposed of properly, just look the Stop Programs are for homeowners. But this would be a commercial grade, and there is quite a bit of material to be turned in. With that, I'd like to turn it over to Joyce {Rodler} who has been on our staff for a couple of years in dealing with the pests of buildings.

MS. {RODLER} :

Okay. I am just going to give a brief, I guess, overview of what the Community Advisory Committee has designed and issued a pesticide inventory form to be completed by all County departments. There was a cover letter, and this was sent out department wide, like an all department heads memo. And these inventory forms include printed information urging to document trends in pesticides use, verify that the products being used are consistent with Chapter 380, direct research, conduct trials and recommend alternatives to pest control, identify departments or locations where educational outreach would be beneficial, in other words, if we see something that -- an area that might have a peculiar pest problem and we can further more direct them to alternative methods in that one area, identify the need for a pesticide disposal program, and these forms were sent out. Submission of these forms are on a voluntary basis. For the first year that we felt that we received a positive response from the various departments, and these results will be included in this year's annual report. As such, the letter and the inventory did bring an awareness to the different departments for the needs for cooperation and education in order to promote the best interest for the alternative uses of pesticides. And also we're hoping now that we're doing this and we're compiling this information, and it's a work in progress, that next year the inventory will be more comprehensive and will begin to build a baseline so we can see how this law is effecting the County departments and the trend of reducing pesticides in working in, you know, different pest management practices in our success.

MR. SANOK:

The other one on our staff is {Sade Pugliese}, who's working the outdoor pests, and her major effort in -- is we will be working with the golf course, and she's here to talk a little bit about some the Compost T effort that she is working with Will Maxwell.

MS. {PUGLIESE} :

Yes. My name is {Sade Pugliese}, and I just started working in August as part of this group. And I spent mainly most of my time kind of getting to know the system, getting to know the law and seeing what kind of work has already been done. I've spent some time traveling to make collaboration efforts with other Counties who are in the same type of

50

position. I've been collaborating with some companies on Long Island, like the Soil Food Web to start looking into Compost T, and also with other faculty up at Cornell. So I've got a lot of ideas. Unfortunately I've been put in the position where I just started in August, so a lot of my project ideas won't be able to start until this spring. However, one that I will be starting right now is try to monitor the impacts of a couple of different Compost Ts as perhaps an alternative to fungicides. I'll be starting one trial next week, and I'll start another one in the spring, as I said, with the Soil Food Web. And when I called Will Maxwell and said, can I have some land to start maybe some Compost T, he said, well, I am already one step ahead of you, I've already got a brewer. And so I think that should kind of give you a little insight as to the fact that Will and I are going to make good partners in getting some of these projects implemented. So with that, I'll turn it to Will.

MR. MAXWELL:

Hi. I am Will Maxwell. I just recently became in charge of golf course operations in Suffolk County Parks.

CHAIRMAN BISHOP:

Who did you replace?

MR. MAXWELL:

Ed Matthews. Ed went over to Suffolk County Community College, Brentwood Campus, Sports Complex, I believe. Ed left in the midst of a very unique project. We're trying to do a lot of things at once. But we're starting, we're starting with the Compost T, that's a tool, that's not an end, that's just one component of many. I'm sorry Mr, Caracciolo left because he funded or got us funding for approximately \$350,000 of golf course equipment, which again is another tool to help with aeration and thatching and getting rid of all the things that put extra stress on grass, which means we might have to spray the grass more often with pesticides. The good news is we've gotten additional funding for additional staffing, hopefully four people this year. At all three golf courses, we're hoping for that. And we have additional monies for ag supplies and again, for some more equipment. The good news with the spraying, I believe all three golf courses are down 50% from emergency sprayings from certainly two years ago. And I believe we've dropped again from last year. Except for three sprayings, I believe everything we've done has been with a caution label. It's too soon to tell you

anything about Compost T are how any of these new tools would work, it simply takes time and a lot of testing.

CHAIRMAN BISHOP:

Since the law was implemented, there have been less pesticides used on County golf courses, is that it?

MR. MAXWELL:

There have been less toxic and warning labeled stickered pesticides, that's for sure. We've been doing almost primarily 90%, 95% of our spraying is done caution labeled.

CHAIRMAN BISHOP:

Because I was the sponsor of that, I am happy about that. Do we have any questions? Jon.

51

LEG. COOPER:

No.

MR. SANOK:

May I just point out we do have a picture that Joyce put together.

LEG. FIELDS:

You have you to use the microphone.

CHAIRMAN BISHOP:

You can't communicate unless it's over the microphone

MS. {RODLER}:

Thank you. And also I've included -- in your pamphlets there's a little, like, photo summary about the structural pest management program. We did complete the DEC grant that we received this year, it was a \$50,000 amount award for structural repair and education on toxic alternatives to pest management. Some of you may have received -- there was a video package and an educational package that we sent out to the state and local and federal governments. Suffolk County libraries also received copies and other educators in the pest control industries as well. And this was kinds of promoting the three Cs of pest management; clean up, close up, common sense. This year we are applying again for a similar grant, where it's going to expand on that and provided, like, an interactive business card CD that can also be sent, and in the CD there would be links to the different County offices, such as Health, Cornell Cooperative Extension. And we'll have an interactive kids site.

CHAIRMAN BISHOP:

In the report you're going to do again, I guess in February, is that roughly when the next one comes out, could you quantify or even qualitatively discuss differences in operations since the law was passed?

In other words, you know, since, like, what was just done on the golf course?

MS. JUKATZ:

We should be able to do that even better this year than the other years because we've done the inventories, as Joyce was discussing. So we really have an idea of how people's uses of pesticides are changing and what alternative methods they might be using. So we're attempting to do that. I mean, hopefully we'll get better and better at it.

CHAIRMAN BISHOP:

I appreciate it. I appreciate all your efforts in --

MS. {RODLER}:

She is very specific, it follows the lines pretty much like the DEC annual report that a pesticide applicator would have to fill out and submit to the DEC, so it does give locations, quantities and that information on it and also an option for alternative product use once they stop.

CHAIRMAN BISHOP:

Excellent. Thank you all.

52

MS. JUKATZ:

Thank you.

CHAIRMAN BISHOP:

Good luck in your new positions for those of you who are new. We have more presentations, so I hope you're just stretching your legs and not getting ready to -- Nature Conservancy is next with the presentation prescribed fire.

MR. PATTERSON:

Are we live?

CHAIRMAN BISHOP:

You're live.

MR. PATTERSON:

I thank you very much for the opportunity to speak to you today about prescribed fire. I know you have a busy agenda. My name is Bill Patterson, I am the project director for the Long Island Pine Barrens for the Nature Conservancy. And Tom Dooley our fire management specialist on my left will always be speaking to you a little bit about the logistics of fire. I'd also like to introduce our partners. Prescribed fire and fire management in general on public lands in Suffolk County is an activity that could not be accomplished by any individual agency. And we have today with us Nick Gibbons, of Suffolk County Parks on my far right

and right next to me is Mark McGinny of US Fish and Wildlife Service, and they which will be available to answer questions as well when we finish our presentation. Also, I should mention a number of other important partners in fire management. I already mentioned Suffolk County Parks, but of course, New York State Department of Environmental Conservation, Captain Bob Conklin of the Forest Rangers was here earlier and had another commitment, he had to leave, but wanted show his support also. And in an addition, we have Brookhaven National Laboratory, very involved with prescribed fire planning as well as the Central Pine Barrens Commission and New York State Parks also is a key factor as well.

The goals for the presentation today are the following, we want to give you a little bit of an idea about the Nature Conservancy and our role in land stewardship. Most people know about the Nature Conservancy is people who buy land, sort of as a realtor for the environment, but we have extensive activities in stewardship as well. Of course, we want to stress again, the way that we are cooperating with other fire managers on Long Island. Secondly, I want to talk a little bit about fire as a natural process on Long Island. And finally, Tom will walk you through what exactly is a prescribed -- prescribed burn and answer any questions on is that as well.

The mission of the Nature Conservancy you may be aware is to preserve the plants and animals and natural communities that would present the diversity of line on earth. And we do this by protecting lands and waters that they need to survive. The Nature Conservancy was established in 1951, and we're an international non profit, non governmental organization. We have more that a million members and thirty thousand here on Long Island. Worldwide we have now been involved in the protection of over 92 million acres. And right here on Long Island, we've protected nearly 60,000 acres, of course, with partners. Once

again, one of those key partners being Suffolk County. We also own and manage and have developed a lot of our land management experience on the 1300 nature preserves nation wide that we own that we own. Just a very brief discussion of how we work, and I've passed out a copy of the manual that you see there. I unfortunately only have -- it's in front of Legislator Fields, I guess -- we only had a copy that we could give the committee to share. I don't recommend reading it after lunch time or any time you're in danger of falling asleep, but the important part is that it keeps us on a very specific and focused mission. And our mission is always to be science based in our approach to land management, and for that matter, in deciding parcels and prioritizing fire position to be nonconfrontational at all times. We find it to be more productive. And we're always partnership orientated, we feel that we get exponentially more done in that manner. An finally to be entrepreneurial, to be creative in solving problems. So feel free to take a look at that manual when you have time.

A little bit about fire and the Nature Conservancy. We have had Prescribed Fire Program since 1961, and we have nationally recognized scientists on our staff at the national level, and also training programs have been developed for ecological prescribed burning as well as the application of actual prescribed fire on the ground. I apologize to you and to my partners, I dwelled a little bit much on the Nature Conservancy and our role, but I want to give you a little bit of background on where we're coming from, and, of course, still stress our partnerships. We do have a full time prescribed fire specialist on Long Island, and that's Tom Dooley. And we have about 15 trained staff on our various programs who are qualified to participate in prescribed fires. I talked a little bit about our national program of the Nature Conservancy, and just to give you an example, well, what does that bring to Long Island. We have been selected as part of the congressionally funded national fire plan. This is in response to the catastrophic wildfires that to you hear about lately nearly every year out west. Congress has set aside enormous sums of money to combat and to manage these and take a better approach to managing fire. And the Nature Conservancy has applied for and received a grant from that program and put together what we're calling a fire learning network, sites that have challenges in wildfire and prescribed fire management. And I think it's very notable that Long Island Pine Barrens, not just the Nature Conservancy, but the partnership that I mentioned before was chosen as one of five demonstration sites nation wide to get the issue of wildfires in prescribed management in hand. And the other sites, just to give you a little context, were located in Oregon and New Mexico, notable hot spots that you hear about in the press nearly every year.

Moving a little closer to home, a brief history of fire on Long Island, probably many of us are well aware of it, but I'll just go over some of the points very quickly. This could easily be a feature length presentation that could take up an hour, but I plan to give you the history of fire on Long Island in 30 seconds or less if I can, maybe a minute. But I could essentially divide into three eras, if you will. And the first was the Native American land use era, before colonial settlement. Native Americans used fire, they didn't call it prescribed fire, I don't know what they called it, but the lit fires on the landscape a long time ago. And they did it for a number of reasons, one was to increase their food supply. A number of species will respond to

fire by increases fruiting; blueberries being a fine example, and also hunting, by burning the landscape, it increased deer and other animals that they relied on. It also promoted ease of travel for them by creating more of a Savannah type landscape, and it provided them security around their settlements so that they could see further from -- from other war parties. The second era -- you should know first that the Native American land use era had a profound impact on the landscape over

thousands of years in determining what the composition pine trees and oak trees and a lot of species really evolved over very long periods of time to rely on that fire. At the time of European settlement, it's probable that fire actually increased in the landscape, because it's what you can characterize as more or less slash and burn agriculture. Farmers, ranchers went out and used fires to tool -- clear the landscape to make it easier to travel, to farm. And we actually found probably an increase in fire over a several hundred year period. Also, the railroads were a prime source of ignition for fires. The northeast as a point is -- does not have a lot of natural ignitions actually, lightening strikes don't commonly cause fires, but what happened on Long Island historically is you would get a fire that started, sometimes by natural cause, but oftentimes by Native Americans or by accident or by intention, would burn enormous areas as once. And so the landscape was heavily influenced in its formation by fire. Tom's reminding me that there was a fire in 1862 that burned from Smithtown Hampton Bays and covered nearly 110,000 acres, more than the entire Pine Barrens Core and the Compatible Growth Area in a single incident over a matter of days. So you can see what the scale of is it was historically.

We're not in an era of fragmentation due to roads, development, and also fire suppression for the protection of the general public. And we all know the importance of fire suppression, to protect the public. We also know that it's caused in many instances a build-up of fuels, so that when the fires burn, they burn a little bit more severely in many cases. What the fragmentation does is that it -- when you have a network of roads, it actually make the fires that do burn much smaller, gives you better access to put them out. So you have a great decrease in the amount of fire in the landscape over the last 50 to 100 years. A reminder that probably most of us don't need but sometimes do we do forget this, this is obviously a picture of the Sunrise Fires in 1995, and a clear example of the influence of fire on the landscape. And also the importance of it to the protection of the public. And we'll talk a little bit about that in Tom's section of the presentation, how prescribed fire can be used as a fire reduction, risk reduction tool.

Some of the sites on Long Island that have been influenced most heavily by our history of fire, wildfires, include the Central Pine Barrens as the most notable example, Montauk Grasslands, Sayville Grasslands as well, the Oak Brush Plains, which is a DEC managed preserve, and the Hempstead Plains also as a former enormous grassland that was fire dependant. I have some pictures of some of the these sites as well that you may be familiar with and help you to put in mind the sites that I was talking about just now. Here's a picture of the Montauk Grasslands that we really have just a fragment or remnant now of the grasslands that used to extend over hundreds of acres, if not thousands. And were not only due to fires, but also to grazing. We have a federally endangered species in New York, actually the only federally endangered plant species, {*aglinas accuta*} that has adapted to live in grasslands that

burn quite frequently. The Nature Conservancy, working with Fish and Wildlife Service and also on a number of County sites, has been working to reintroduce this plant and also manage it with -- with fire. Another textbook example of a fire adapted community would be the Dwarf Pine Plains in the Town of Southampton, most notable near Exit 63 of the Sunrise Highway. And what you have here is one of the most -- probably the most frequent occurrence of fires along with soil conditions that have caused a globally rare unique stunted community of pine trees that is found really only in one other place in the world, and that's in New Jersey.

We also have a host of species beyond -- beyond the plants in the general communities that have adopted to fire. A perfect example in the Pine Barrens, they are greater than 200 species of moths that rely on scrub oak for feeding and also for laying their eggs. This is actually the coastal {buck} moth, one of our poster childs for prescribed fire -- actually for the importance of fire in the landscape. It relies on the scrub oak for both feeding and for -- for laying its eggs reproduction. And the connection is in the absence of regular fire -- excuse me -- fire or prescribed fire, scrub oak tends to lost from the landscape. And just a couple more slides before I turn it other to Tom. This is really developing the point I just made about the importance of certain, what we call, key stone species like scrub oak that support a whole host of species that we may not even be aware of in our day to day life, like the coastal buck moth. But this is showing some research that the Nature Conservancy commissioned for a 12,000 -- roughly 12,000 acre piece of land in the Dwarf Pine Plains area. And it shows that over the last 50 to 100 years, essentially since the mid 1930s, we had maps made in 1938 showing that there was over 10,000 acres of scrub oak habitat. And you can see the red line that steadily declines through another period, which we mapped in the 1960s and then right up until before the Sunrise Fire of 1995, where that habitat was declining. And essentially it was being replaced by a closed canopy typical of Pines Barrens forest that we are accustomed to seeing more commonly. And the point being that -- that that's not -- it doesn't lack value in itself, but that we were losing a rare and unique community at the same time. I'll just leave you with this thought before I turn it over to Tom to talk a lit bit about exactly what is a prescribed fire and how do you do it. Building on the last point, I think it's important for us to keep in mind that active management or the decision not to manage our landscapes actively is going to play a big factor in determining what we have in the future in terms of diversity of natural communities in the Pine Barrens. We don't have all the answers right now in terms of the mix that we need; how much -- how much scrub oak, how much pine barrens, Dwarf Pine Plains, for instance, do we need versus pitch pine forests. But the idea being that we need ti give some thought to this because the past played a very active role in shaping what we have right now, and we have decisions to make about what the future will look like. And we're working in a number

of partnerships from the Protected Lands Council, Pine Barrens Commissions to a whole host of forums to develop more information on these questions and make some recommendations on those.

So a closing thought that I'd like to leave you with is that Pine Barrens and eastern grasslands and the related savannas are one of the most threatened and endangered ecosystems in the eastern United States, and that is primarily because through the development that's gone on and the

56

incompatibility in some -- some instances of wildfire and human development, there's been a significant decrease on fire on the landscape. And these communities that are cited here, included many of the successional communities of the Pine Barrens are being lost on account of that. And we just wanted to make you aware of that today. So with that I'll -- you have a microphone that works here, Tom.

MR. DOOLEY:

As Bill mentioned, I'm Tom Dooley. I'm the Fire Management Specialist for the Nature Conservancy here on Long Island. And I just wanted to kind of run through the anatomy or the components of a prescribed fire. First of all, what exactly is a prescribed fire? It's the intentional use of fire under strictly defined conditions, usually weather conditions and those types of things that accomplishes specific ecological or management objectives, and it also achieves forced fuel reduction. Prescribed fire for ecological management recycles nutrients, facilitates seed germination of selected species, it improves wildlife habitat, controls invasive species and forest disease, maintains endangered species, and it can maintain unique habitats as well. Prescribed fire for fuels management, we've all seen the catastrophic wildfires that occur out west. And likewise we have the same issues here on Long Island as you saw from Bill's photograph from the '95 Sunrise Fire. Prescribed fire, when it's -- when applied can reduce accumulated force fuels, it can reduce future rates of spread of fire, basically slowing it down, stopping it in its tracks. And I've passed you all -- I passed out an article from the New York Times this summer talking about a prescribed fire that occurred just before the {Haymann} fire, the largest wildfire in Colorado history. And that prescribed fire is an 8000 acre fire, which is not what we're trying to do on Long Island. But it was an 8000 acre prescribed fire that basically stopped that fire in its tracks and saved several thousand homes. It also reduces ladder fuels, and ladder fuels are fuels that allow the fire to develop into a canopy fire, a running crown fire. And you have quite a few control issues when that occurs. It reduces the threat of property damage or loss of homes in the wildland urban interface due to wild fire, and it also increases firefighter safety in fire suppression operations. And for those of you what don't know what a wildland urban interface looks like, there's no real geographical spot on a map that I can show you, but that's it right there. That is the Coast Guard housing area in the Dwarf Pine Plains in

Westhampton Beach during the Sunrise Wildfire, and that is pretty much the wildland urban interface.

We what do we do -- how do we go out and burn is the big question that I get asked quite a bit. Well, first of all, we develop a burn plan that is site specific to particular amount of acres on a landscape. We develop weather parameters for relative humidity, wind speed, wind direction, temperature, minimum standards for personnel and equipment. We develop smoke management guidelines in order to minimize our impact both in air quality and in nuisance. We have a no -- go-no-go check list that we run through before every burn, right before we light the match, and if we answer no to any -- any of the 13 questions, then we do not conduct the burn. We have to receive burn permits from the DEC and from some townships. And we set -- develop measurable objectives and goals that we try to achieve with each particular burn. And then we do preburn, during burn and post burn monitoring to see if we've actually achieved those objectives. If we have not, we try to adjust our burn

57

plan to try and achieve those objectives. If we have a negative impact, then we don't -- that area does not receive fire anymore. So when you lite the match, what happens? Well, first of all, before you ever light the match, there's months and months of pre planning that go into it. There's crew coordination between the Fish and Wildlife Service, Suffolk County Parks and the DEC, along with the Nature Conservancy. We do weather monitoring usually about a month in advance so we know any long term conditions that we have. We also do weather monitoring the day of. We also monitor our smoke. We have people who exclusively just watch smoke, which is -- can be a fairly boring job sometimes, I'm sure. Then we promote safety, safety, safety. Not only the safety of our crew and personnel, but also the safety of those around us as far as residents and the general public. And the diagram to the right of the screen gives you an idea of how we set up our burns. We usually like to use -- we usually use control lines in the form of fire breaks or fire roads or mode breaks. We also -- some people like to use natural barriers, such as creeks and streams and roadways. And we also light on the downwind side lighting into the wind so that we're controlling the fire, the fire burns into the black, instead of racing away from us.

I touched briefly beforehand on smoke and monitoring of the smoke. It's a big issue for us, and we take our smoke very seriously. This is a burn that occurred in Florida in the late '80s, and it's basically -- what it's depicting is a good smoke management technique. This was -- this burn was conduct under good air quality conditions. It was conducted under neutral to unstable air -- excuse me -- air stability, atmospheric stability, where you get good lift and good mixing heights of the smoke and it carries it away from residences and away from roads, those types of things so we're not impacting anyone around us. And this is what we look for when we set up our parameters; good air quality days,

atmospheric mixing heights and transport winds and wind directions to carry the smoke away from anybody.

Here's a picture of a burn that was conducted last fall at the Montauk Grasslands at the Theodore Roosevelt County Park. You can see how well the fire is kept in its boundary. The firefighter that you see in the picture is -- is doing some control on the line there, and there's a definitive line between what is burned and what is not burned and the fire is burning itself out inside the unit there. This is a picture that was taken a few weeks after the Sunrise Wildfire. This is -- just to give you a scope of what a wildfire does. Even though a wildfire can be devastating, it's also rejuvenating, and that's what we try to mimic with prescribed fire. But this is a few weeks after '95 Sunrise Fire in the Dwarf Pine Plains. This is in October of the same year. Year you can see the green-up already occurring. And this is 2000, this is five years later. You can see that it's coming back quite well. Although it was quite next as you can see from the first picture. It is coming back, and it is quite viable, and it is rejuvenating quite well. And that's pretty much it. I just wanted to point out that I left a video tape up near your desk, Ms. Fields. It was developed by the Pine Barrens Commission with a grant from the National Fire Plan, it's a fire safety and awareness video. And there's also a magazine discussing fire issues, that's a Nature Conservancy Fire Magazine that's an excellent resource as well. And I'll turn it back over to Bill or Nick, if you'd like to say anything or Mark. That's all I have.

58

LEG. CRECCA:

I have a question if that's all right, Mr. Chairman.

LEG. FIELDS:

Are you giving this presentation tomorrow? The same one?

MR. DOOLEY:

Pardon me?

LEG. FIELDS:

Are you giving the same presentation for the Parks Committee tomorrow?

MR. DOOLEY:

Yes. Thursday, is that when -- Thursday.

LEG. CRECCA:

My question was and it may seem rather silly at this point, but I still am not too clear of why do we need to burn? I mean, obviously, I guess it's for species and all, but I understand what you're saying, but I don't understand why, like, not thin out areas, you know --

MR. DOOLEY:

That's definitely the wave of the future right now. It's not -- fire is an excellent tool, and it's an excellent management tool and --

LEG. CRECCA:

To manage what though? To prevent further fires?

MR. DOOLEY:

To manage fuels and to reduce fuels over the landscape. And when I say fuels, I'm talking like accumulated fuels that build up over periods of time because you do not have fire.

LEG. CRECCA:

See, I don't know what that is, you're over my head. I'm thinking fuel, I'm thinking like you're eliminating gas, you know.

MR. DOOLEY:

I'm talking like leaf litter and pine needles, like, oak leaves, the branches.

LEG. CRECCA:

You mean stuff that is likely to ignite and cause a larger fire.

MR. DOOLEY:

Right. Vegetative fuels that build up over time, exactly. And also you can accomplish -- you can accomplish multiple objectives with one particular burn, and you can reduce the fuel load and promote the habitat, the vegetation, and you can promote wildlife, those types of things.

LEG. CRECCA:

If you burn a thousand acres, right, don't you -- you lose all the -- and I'm asking this only so I can learn -- you lose all the trees, you lose all the vegetation that's there, or am I wrong?

59

MR. DOOLEY:

Well, we're not setting fires -- we're not setting fires that will cause the landscape to look like that.

LEG. CRECCA:

Okay. What are you doing then?

MR. DOOLEY:

We're setting fires -- well, this is what a prescribed fire looks like.

CHAIRMAN BISHOP:

The difference being that it's closer to the ground.

MR. DOOLEY:

Exactly. It's a low intensity fire. You're not losing any trees.

LEG. FIELDS:

Can -- did you explain it all in the presentation -- in the presentation, have you explained at all that there are some species that only bloom or -- like the pine cone that only opens up during that test fire? Did you already explain that? Did I miss that?

MR. DOOLEY:

Not specifically, but we can go back.

CHAIRMAN BISHOP:

I think the graph one is interesting. Were you there for that?

LEG. CRECCA:

Yeah, I saw that. I understood that.

LEG. FIELDS:

But I think --

LEG. CRECCA:

But I thought they were burning trees down to do that.

MR. DOOLEY:

No, we're not burning trees down. We're actually --

LEG. FIELDS:

There are certain trees, Andrew -- there are certain trees that have pine needles or pine cones that only during a fire release the seeds so that they can rejuvenate more or grow more -- more trees. Maybe you can explain that better.

MR. DOOLEY:

The picture on the slide is a picture of this -- rottenness is the term for the cones. They only open after exposed to extreme heat, upwards of 190 degrees, and they don't open up immediately as the fire sweeps through, it melts their resins in the wax within the cone and it opens gradually. So once the fire's past, then the seeds are actually safe to fall into the bare soil, which what they need, and that's only occurring after a fire in order to germinate and to grow.

60

LEG. CRECCA:

You actually can control these fires so that they don't take down --

MR. DOOLEY:

Yeah. I failed to mention this in my earlier -- but when I was talking about smoke -- but not only -- we set up strict and stringent weather conditions in our burn plans. And if we fail -- if we fail outside of

our parameters, we shut the burn down immediately because it's a safety issue. Same thing with smoke. If we start putting our smoke over a residential area or over a road, we shut the burn down immediately. And because we set it up, the way we light it, we light on the downwind side of the unit, and the wind is blowing into our faces, therefore, you're establishing -- you're basically increasing the are of black or the area that's already burned. So it's not going to burn again. And you -- you can shut it down quite easily, you can put people in front of it because it's a low intensity fire. And I just want to reference, in Ms. Fields's we conducted a burn this spring that we shut down almost immediately after we started putting smoke up in Sayville, and it was shut down within a matter of five minutes and there was no more smoke being produced.

CHAIRMAN BISHOP:

Just a follow up on his naive question. Why -- why not let the fires occur naturally? Why do we need to have prescribed fires? You've established that fire is good naturally to keep the natural environment in tact --

MR. DOOLEY:

You have fires that look like that if you don't.

CHAIRMAN BISHOP:

So it's conflagration prevention.

MR. DOOLEY:

Correct. Correct. It's set up in a controlled, as controlled as you can get, I mean, we try to select the perfect days to do these burns, and we get out there, we set it up, and we get prepared. And we take weather readings all day long, and if we fall outside of those parameters, we do not burn. So it's under -- these fires occur whenever they want to. All it takes is an ignition source, and they're going to occur on the driest, hottest, windiest days of the year. Our burns occur usually primarily in the spring or in the fall, in the cooler part when the -- when the fuels are a little more damp, not too damp because you don't want to produce too much smoke, and the wind speeds are generally lower.

CHAIRMAN BISHOP:

Go to my -- your graph for a second.

MR. DOOLEY:

Okay.

CHAIRMAN BISHOP:

Okay. You also have prescribed fires in to -- to enhance the red line, right, and to diminish the black line, is that a goal of prescribed fires?

MR. DOOLEY:

We currently are not burning in the Dwarf Pine Plains, and this where this from, because the volatility of the fuels are such, but we would like to at some point look to do that.

CHAIRMAN BISHOP:

So in that case it would be a management of the -- of the vegetation.

MR. DOOLEY:

Correct.

CHAIRMAN BISHOP:

But it would be a policy decision made by somebody of what is good vegetation versus what is bad vegetation.

MR. DOOLEY:

Correct.

MR. PATTERSON:

That's one of the key roles of the partnership is that -- especially in the Pine Barrens, no, it's not Suffolk County or DEC that represents all of the different lands that we -- you know the types of vegetation we would like to have, also it needs to be a coming together of different groups and a balance of --

CHAIRMAN BISHOP:

So it's through some sort of consensus that you figure out in this example, although this isn't a prescribed fire you're showing, but some sort of consensus of what is good vegetation. Here presumably it's scrub oak as opposed to closed canopy.

MR. PATTERSON:

It's a balance of it really, and what we're showing was that a certain type was in risk of being lost. It wasn't that a certain type is bad by any means, it's showing that a balance needs to take place.

LEG. FIELDS:

Can I just add something? I think that what they also haven't mentioned here is that there are certain species of animals that will only survive in after -- for instance grassland birds that are becoming extinct because we don't have those areas for them to survive in, so I think it's --

CHAIRMAN BISHOP:

We don't have those areas because we put out for forest fires.

MR. PATTERSON:

Why don't we let our US Fish and Wildlife Service representative answer that.

MR. MCGINNY:

That's correct. And I think one of the best examples that I've seen, it was really mind opening this spring, Tom referenced a prescribed burn that we performed with our partners at the Sayville Grasslands, that's a site that my agency is in the process of acquiring, but the area that contains that plant, the federally endangered { sand plain gerardia } is

62

within FAA ownership currently. The plants are really confined to narrow areas, they're fenced in, and they're areas that are smaller than the area between this desk and your stations there. They're fenced to provide to prevent rabbits and other animals from eating them. Well, in with consultation with our partners we decided that, this is an area that's -- that's developed with a fire regime, a regime that's really been isolated with the exception of some arson fires that have occurred there. So we burned -- we hoped to burn two acres, the wind wasn't cooperating, we stopped it right away. We burned one acre, that acre plot had two of these fenced exclosures within it. And when the Nature Conservancy botanist was out there counting these plants just a few weeks ago, she was amazed to find that for the first time, a good number of these individuals are occurring outside of the plot. So they dispersed their seed, but the seed remained dormant and have remained dormant for many, many years; five, eight, ten, 15 years. And we're finding the plants over a much broader area, really areas that are limited by what we burned.

CHAIRMAN BISHOP:

Dormant, but activated by the fire.

MR. MCGINNY:

That's correct.

MR. DOOLEY:

And we have these plants located in several -- Sayville is one of them, we have them at Theodore Roosevelt County Park out at Montauk, we have them as Shadmore out on Montauk Peninsula as well, and { McShellmic } Preserve out on Shelter Island.

MR. DOBKOWSKI:

And I could be dating myself with forest ecology, but out west there's usually an MFI, which is a mean fire interval so each forest has a life span, has there been any research on the Pine Barrens or Suffolk County forests that there's an MFI that exists?

MR. PATTERSON:

I can tell you that. That's an excellent question, and it shows that you're not dated, it's a very technical question that we didn't expect to get into. But out west you have excellent resource in terms of being

able to look through fire scars and you have long histories that you can look through. The east has been developed for so long, hundreds -- 400 -- on the scale of 400 years that essentially all the scientific information about what we had in sort of, you know, prehistoric conditions is not what we're really looking -- looking for here. It's essentially been lost. There have been some efforts at taking cores from ponds to look for charcoal, but essentially what we're -- the approach that we're taking with our -- with our partners is not to try to recreate the prime evil force type -- type thing, but to take a look at the diversity we have on the landscape and say, what would be needed to maintain what we have now and take that approach towards it.

MR. DOBKOWSKI:

Out west the MFI is used for almost a managing tool, you can almost expect when a fire is going to burn and actually beat nature to the punch to kind of protect homes and houses.

63

MR. MCGINNY:

And we can do that. We look at the different community types that we have, and we have -- we have come up -- for a certain type, what sort of fire is needed to maintain it or reduce the fuel risk in that. So we have calculated those types of things, but it's not necessarily, you know, what was prehistoric or what was natural out there.

LEG. FIELDS:

Do state parks do any prescribed burns?

MR. DOOLEY:

No, ma'am, they have no policy regarding prescribed fire. Although the property that is adjacent to Theodore Roosevelt County Park out at Montauk is the Montauk State Park. And there is an understanding that a few of the units do fall over on to state parkland, and we actually burned a portion of their -- probably about half an acre of their land this past spring while we were conducting burns out there, intentionally burned it, it was part of the unit.

CHAIRMAN BISHOP:

I have one last question. Why are you here? What is the goal that you --

MR. SANOK:

Excellent -- excellent question. We came to you today, and I tried to get that upfront in my summary objectives, not asking for anything in particular from you, but to raise awareness of the issue. One of the key things is that the capacity, even among all the different agencies, does not exist to implement prescribed fire at a significant scale. And we have done some work at looking at what the different agencies are spending right now. I don't have all those numbers summarized, but they

make a very interesting summary of what's being spent on prescribed fire between all the agencies, and what's being accomplished. And what would it take to actually reach the level of management were you were reducing fuels and hazard to the public and you were -- and you are maintaining these natural communities that we're concerned about. So we're really here just to bring an important question before you and do a little bit proactive education. There are a number of plans that are under way, including the prescribed management plan for the Pine Barrens that will be finished probably within the next six months or so that may be coming before you in some sort of format for approval. And so to not sort of wait until there's an issue before you, but to just to do some proactive education and let you know what it is that the different -- between Suffolk County Parks, but also the other partners -- what it is that we're up to in terms of our planning and the direction that we're moving in terms of our thinking. I don't know if other folks want to add to that in terms of their perspective.

MR. GIBBONS:

Nick Gibbons, Department of Parks. I'd just like to add that in the next couple of months you'll see a ten year management plan for the Montauk Grasslands. And one of the things CEQ requests that we do is to go out and do some of this proactive stuff. It's not why we're here today, but it is part of the solution. They had some concerns, specifically in Montauk Grasslands that may or may not be applicable for other plans in the future, but to make you aware that this is a program that the Parks

64

Department, at least, hopes to expand in the future.

CHAIRMAN BISHOP:

Is that it?

MR. MCGINNY:

We take care of -- of our own lands. We manage nine national wildlife refuges on the Island, partner with the TNC. We've done a number of grassland restoration projects on County parklands. I guess one thing that I would -- I would ask, and I don't want to put Nick in a bad spot, but there are a number of very valuable resources that the County has under its control within their park system and that there need to be consideration given to maintaining these areas once the investment is made in acquiring, protecting and starting to implement some restoration activities. And one of those activities would be in the context of today, prescribed fire or fire regime.

MR. DOOLEY:

Is this your last one?

LEG. FIELDS:

Maybe, maybe not. Do you have any particular areas of concern that you

would predict would make good areas to have a prescribed burn in the County park system?

MR. MCGINNY:

I think with the work that's gone on in Eastport, at Orient County Park, perhaps the Robinson Duck Farm, I don't think that there's a large commitment of resources needed on the part of the County, because most of the fire crew comes from DEC Forest Rangers, from TNC staff, from Fish and Wildlife Service staff, but it's -- it's to be able to put the time in and maybe get Nick some help --

MR. GIBBONS:

Now you're putting me on the spot.

MR. MCGINNY:

I don't want to perceive that you want help. But in getting those management plans done to take the long term view of the sites, that may be something that the Legislature can do in terms of funding arrangements.

CHAIRMAN BISHOP:

Okay.

LEG. FIELDS:

He's scared.

MR. GIBBONS:

I'd just like to add one thing to that -- to Legislator Fields's comment. I was at Bohemia Equestrian this morning, and that's a scary place in terms of fuels management, and not so much that that's an ecologically sensitive or significant holding, but you know the location, and you know in terms of wildland urban interface that is --

65

LEG. FIELDS:

Right next to Connetquot River State Park Preserve, and the place where we just had a recent fire.

MR. GIBBONS:

And so in terms of fuels management that would be a viable candidate in the future, although that would take -- require a lot of planning, a lot more than the places that we currently do prescribe fire, because they are out east and away from the wildland urban interface. But there's no reason to suggest why we couldn't do it there.

CHAIRMAN BISHOP:

One last question. Who insurance covers it when things go bad?

MR. DOOLEY:

Depends on who's burning, who's in charge that day. I suppose, and I'll take -- I'll take a shot in the dark, if just for hypothetical say if TNC is --

LEG. FIELDS:

You're supposed to say I'll take the heat.

MR. DOOLEY:

Basically. If we're burning for the Fish and Wildlife Service or TNC, if the Nature Conservancy is burning for Fish and Wildlife Service or Suffolk County Parks or for the Nature Conservancy alone, we're taking a lead role in that. And we actually when we burn out in Montauk indemnify the County in case of anything. So TNC, when TNC takes the lead on a particular burn, then we cover just in case.

CHAIRMAN BISHOP:

Very good.

MR. DOOLEY:

Is that what you wanted to hear?

CHAIRMAN BISHOP:

Absolutely.

LEG. FIELDS:

No. This is what he wants to hear, motion to adjourn.

CHAIRMAN BISHOP:

No. We have another presentation after this. Thank you very much. Legislator Crecca, you want to make a presentation?

LEG. CRECCA:

No.

MR. ISLES:

I just had two items that I'd like to have a brief discussion with you on tonight, this evening, whatever we call it. The first item is on the Suffolk County Land Exchange Program. This was approved back in 1988, and in 1996 specifically the Mastic Shirley area was included in a voluntary Land Exchange Program. This was based on the Narrow Bay Flood Plain Protection and Mitigation Plan. And essentially what it called for

is that there are portions of Mastic Shirley that are within the 100 flood plain that are within tidal and freshwater wetlands areas as well as high groundwater locations. The idea then developed at that time to enable a program to swap those lands that are environmentally sensitive or prone to flood damage that are privately owned with County owned parcels outside of the coastal erosion hazard area. What we have before

you this evening is another round in that program of several parcels that are now proposed for exchange with Suffolk County. The total before you, the green dots on the map indicate privately owned parcels of which there are total of four parcels that are privately owned that are within the 100 year flood plain and coastal erosion and hazard area. What's proposed on the red dots are parcels that are owned by the County that are surplus parcels that we've picked up through tax default. And what we're suggesting then is the swap of the parcels that are in the hazard area with the parcels that are outside of it. What would happen then is the property owners in this case have all indicated interest in participating in this with the County, appraisal evaluations have been done on all these properties, and the properties would be adjusted for evaluation. And in the case before the net is that the parcel that would be given to the County are valued at \$19,500. The parcels that would be disposed by the County are valued at \$137,000 dollars. So what would happen is we'd swap the land with the additional funds being given to make sure we're having a fair exchange evaluation. So that's it.

The process in Section 102 of the County Charter specifies that we're required to make a presentation before this committee before introducing a resolution to actually authorize the land exchanges. So we're doing that today. And from this we would then introduce a resolution for consideration by the County Executive to be placed on the next available Legislative agenda. The only other point I'd like to make is that this program, which was started under -- more specifically the Mastic Shirley Program was started under Steve Jones and heavily supported by Laretta Fischer. It actually won an award from the American Planning Association this year, since we had awards talked about earlier. It was cited just being a creative approach to preventing development in flood prone areas and working with an asset of the County, which are the surplus properties. So if you have any questions on it.

CHAIRMAN BISHOP:

It looks like a drop in the bucket.

MR. ISLES:

It's a drop in the bucket, it's potentially four less houses in the flood plain. And I will tell you that one down side of the program in our evaluation, it's very labor intensive, it's -- you know, the positive side is getting development out of the flood plain. The down side is this tremendous amount -- this has been in the works probably for a couple of years, this current exchanges. And one thing, when he talked about this in the Smart Growth Committee is that we'd like to find a way to perhaps simplify this in the future so it could be more efficiently used.

CHAIRMAN BISHOP:

So my question is --

LEG. CRECCA:

The green is the flood area then, right?

CHAIRMAN BISHOP:

We're acquiring the green and getting rid of the red.

MS. FISCHER:

The properties that are identified in green have already been acquired.

CHAIRMAN BISHOP:

Oh, those are already -- okay. I think --

MS. FISCHER:

The properties identified in the conservation area in green have been acquired through tax lien procedures that -- and we've already identified them and transferred those to Parks through resolutions. We continued to do that. This is another avenue to try to acquire the properties in this area, and we'd like to come back at another time and identify this area for future acquisitions.

CHAIRMAN BISHOP:

Most of those -- those squares are small lots.

MS. FISCHER:

Yes.

CHAIRMAN BISHOP:

And most of those lots are developed.

MS. FISCHER:

Not down here. Down in the conservation area, which is mostly your fresh and tidal wetland areas as well as a little buffer, the majority of this area is not developed right now. And we'd like to continue to pick up pieces as best we can.

CHAIRMAN BISHOP:

So then it is having more of an impact than my flipping statement earlier about a drop in the bucket.

MS. FISCHER:

Hopefully, but it is small compared to how many lots there are down there, though.

CHAIRMAN BISHOP:

Right. Thank you.

MR. ISLES:

The second item I just wanted to bring up very briefly is the County of Suffolk applied for a grant under the Federal Farm Bill this past summer.

The Farm Bill was authorized in May of this year, applications were then sent in June, and the Planning Department through the County Executive's request initiated a process of applying for a Federal Farm Grant. And I'd like to report to you that we were notified yesterday the County of Suffolk has been successful in obtaining a grant, however, one problem that this has created for us is that we will be requesting Legislative approval of the agreement and authorization to accept the grant by

68

Certificate of Necessity at the next Legislative Meeting.

CHAIRMAN BISHOP:

It's necessary for the election of the --

LEG. FIELDS:

What's the grant for?

MR. ISLES:

The grant is for the County's Purchase of Development Rights Program so as we go out and buy farmland for the protection of farmland, this is federal funding coming in to enable us to buy more farmland for that. And the agreement signed by the feds yesterday, so we were -- only got it yesterday.

CHAIRMAN BISHOP:

Right. And we only have a week to turn it around?

MR. ISLES:

Well, given the Legislative cycle in terms of getting into November with the next cycle, if we do not request a CN next week -- we just feel and we were advised by the County Attorney's Office that the longer we wait for the review by the Legislature on this, the more at risk we are in terms of, you know, possibly not getting the grant.

LEG. FIELDS:

How much money did we get?

MR. ISLES:

It's \$532,000.

CHAIRMAN BISHOP:

They don't -- they don't give you a time limit when they give it back to you? I know you have to answer all these obnoxious difficult questions, but it doesn't seem -- you know, it doesn't seem like an emergency to me.

MR. ISLES:

Well, no. The agreement has been returned to the feds with the provision that it's subject to Legislative approval, because it is subject to Legislative approval. We hope that accept, we believe that they will.

However, we don't want to provide them with a basis of saying, well, gee, it's October 15th, it's November 15th, it's December 15th, we don't have your Legislative approval therefore you go to the bottom of the pile.

CHAIRMAN BISHOP:

This is a bureaucracy that takes years to grind out something --

MR. ISLES:

And I agree completely. We've been fighting with the feds for a year now on the farm agreement. So we just wanted to bring this to your attention. Normally this would come to this committee.

CHAIRMAN BISHOP:

Okay. So now that it's before us, what are the stipulations, you know, with -- to the County, what are your obligations under this program? Or is it just \$500,000 to --

69

MR. ISLES:

No. There is an agreement between the County and the federal government. We have -- I have a copy of the agreement here, which of course will be submitted with the Certificate of Necessity. The County Attorney's Office has, as I said, labored on it for the past couple of weeks as it's been presented to us. And I think what we've been trying to do is obviously the agreement has to be satisfactory to the -- to the County, but also the agreement has to be satisfactory to the farmers that eventually will be part of this. And I think that's been part of the wrestling with this. I will point out to you that the County was been successful in receiving a federal farm grant in 1997 of about \$100,000 that we did eventually get reimbursed for and so forth. There was a subsequent grant that we supplied for in 1998, we were awarded in the amount of, I think, \$400,000. We were notified last year - we brought this property in 1998. We were notified last year that we were not going to get the grant because they didn't like our deeds and our agreement and so forth. So since last year, since 2001, the summer of 2001, there have been extensive discussions with the feds and an excellent job done by the County Attorney's Office to have them understand our side, the farmers side, in terms of the agreement. We do have a signed agreement at this point, as of yesterday, as indicated. So we think we've made a major accomplishment with this, and we hope -- the Federal Farm Program is heavily funded now. This first fiscal year ending yesterday was, I think, \$50 million nation wide. We're told that in the future years it will be 100 and even greater amounts, \$100 million. So we're hopeful that this can really expand our Purchase of Development Rights Program and the protection of farmland if we can access this funding in the future.

CHAIRMAN BISHOP:

Okay. And you'll -- you'll make a copy of that agreement available.

Thank you very much for bringing it to our attention. Laretta.

MS. FISCHER:

Did we get a consent from you to move forward?

CHAIRMAN BISHOP:

With that? Is there a bill?

MS. FISCHER:

No. We need to get the committee's approval to move forward. There's a resolution coming, but what we need is a preapproval.

CHAIRMAN BISHOP:

Oh, because this is a special program that requires --

MS. FISCHER:

Yes. It has special requirements under Section 102, Chapter 102 of the Land Exchange Program.

CHAIRMAN BISHOP:

Hold on, everybody, that means we need Counsel.

LEG. CRECCA:

Why can't we make just make a motion on the record?

70

MS. FISCHER:

We need to put into the resolution a statement indicating that the committee has supported this -- has supported this, and then we can move forward, and this will then become a resolution that will come before you.

CHAIRMAN BISHOP:

Counsel Sabatino, the Planning Department has presented to the committee a report on their flood plan protection and hazard mitigation plan for the Mastic Beach area; is that correct?

LEG. CRECCA:

Is that what we need the approval on?

MS. FISCHER:

It's a land exchange --

CHAIRMAN BISHOP:

Right. Part of that plan is the Land Exchange component which includes five parcels which we are sending away -- which we are granting away in exchange for four parcels that we currently hold that we're -- and an adjustment of value so that the deal is -- I'm running out of energy -- the deal is equitable.

MR. SABATINO:

It's got to be equivalent values. At the ends of the exchange, it's got to be an exchange of equivalent value between the respective parties.

MR. ISLES:

My understanding of the legislation is that we first have to circulate it to certain departments, which we've done, to get their opinion, next is to come to the committee -- to use the language in here -- a written report to the committee, which we've provided. The committee shall then review such recommendation and determine or whether or not such land is environmentally sensitive or otherwise desirable for acquisition and then we're supposed to submit a resolution to actually authorize a land exchange which we would submit to the County Exec and then present to the Legislature.

CHAIRMAN BISHOP:

But they need the committee's approval before they do the resolution.

LEG. CRECCA:

Actually, it's going to be done by CN, if you heard in the back, on Tuesday's meeting. So can we just make a motion on the record?

CHAIRMAN BISHOP:

It's not being done by CN. The CN is the other --

LEG. CRECCA:

Oh, I'm sorry.

MR. SABATINO:

We've done this, I think, twice under the program, and each time it took just a procedural motion from within the committee approving whatever was described. So basically it's just motion to -- it's a motion to approve

71

the exchange of --

MR. ISLES:

Determine whether or not such land is environmentally sensitive and otherwise desirable for acquisition by the County.

LEG. CRECCA:

I would make a motion that the exchange is in the --

CHAIRMAN BISHOP:

So I'll make a motion to approve the land exchange as described in the memorandum, which is for the County to acquire one tax map number -- should I go through the whole thing?

MR. SABATINO:

For the County to acquire Suffolk County Tax Map Numbers identified as one through three on page two, which the Clerk of the Legislator can incorporate into the record --

CHAIRMAN BISHOP:

Which are five parcels totaling 1.3 acres.

MR. SABATINO:

1.3 acres in exchange for land to be disposed of by the County.

CHAIRMAN BISHOP:

Which are four parcels totaling 1.4 acres described on the right side of page two of the memorandum totaling 1.4 acres, four parcels. Motion by myself, seconded by Legislator Fields. All in favor? Opposed? It is adopted. Go forth and exchange. Thank you. Motion to adjourn by Legislator Crecca. Second by myself. All in favor? Opposed? We stand adjourned.

(*THE MEETING WAS ADJOURNED AT 5:50 P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY